

Date: 9 October 2023  
Our ref: Planning Committee Agenda  
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## **PLANNING COMMITTEE**

**18 OCTOBER 2023**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 18 October 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### **Membership:**

Councillor Crittenden (Chair); Councillors: Bright (Vice-Chair), Albon, J Bayford, Boyd, Dennis, Driver, Garner, Keen, Makinson, Matterface, Paul Moore, Rattigan, Rusiecki and Wing

## **AGENDA**

**Item**  
**No**

**Subject**

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 38)

To approve the Minutes of the Planning Committee meeting held on 20 September 2023, copy attached.

4. **UPDATE FOR F/TH/22/1341 - 16 SOWELL STREET, BROADSTAIRS** (Pages 39 - 58)

5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 59 - 62)

To consider the report of the Director of Place, copy attached for Members of the Committee.

***Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.***

**For Approval**

- 5a **A01 F/TH/23/0677 - NORTHWOOD COURT, MILLENNIUM WAY, BROADSTAIRS** (Pages 63 - 82)
- 5b **A02 FH/TH/23/0610 - 52A STONE ROAD, BROADSTAIRS** (Pages 83 - 90)
- 5c **A03 F/TH/23/0883 - LAND EAST OF PARKING BAY, CANTERBURY ROAD WEST, MINSTER, RAMSGATE** (Pages 91 - 100)
- 5d **A04 F/TH/23/0534 - JC ROOK AND SONS LIMITED, CECILIA ROAD, RAMSGATE** (Pages 101 - 110)
- 5e **A05 L/TH/23/0340 - 8 TO 25 MILITARY ROAD, RAMSGATE** (Pages 111 - 118)



Please scan this barcode for an electronic copy of this agenda.

## Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

## Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or  
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

Planning Committee

**Minutes of the meeting held on 20 September 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Helen Crittenden (Chair); Councillors Bright, Albon, J Bayford, Driver, Garner, Keen, Makinson, Matterface, Paul Moore, Rusiecki and Munns

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Boyd who was substituted by Councillor Huxley; Councillor Rattigan who was substituted by Councillor Towning; Councillor Wing who was substituted by Councillor Munns and Councillor Dennis.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF PREVIOUS MEETING**

Councillor Albon proposed, Councillor Bayford seconded and Members agreed that the minutes of the meeting held on 16 August 2023 be approved as a correct record.

**4. UPDATE FOR FH/TH/23/0138 - 54 STONE ROAD, BROADSTAIRS**

**PROPOSAL:** Erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and alterations to fenestration and materials

It was proposed by the Chair and seconded by the Vice-Chair:

THAT the officer's recommendation be adopted, namely:

That Members confirm that they would have granted planning permission for the application under reference FH/TH/23/0138 subject to safeguarding conditions at Annex 1, thereby raising no objection to the non-determination appeal APP/Z2260/W/23/3322220.

Upon being put to the vote, the motion was declared **CARRIED**.

**5. SCHEDULE OF PLANNING APPLICATIONS**

The Chair informed Committee Members that any site visits would take place on the morning of 6 October 2023.

(a) **A01 F/TH/22/1058 - Land North of Telegraph Hill, Industrial Estate, Laundry Road, Ramsgate**

**PROPOSAL:** Erection of a warehouse building for storage and distribution purposes (Use Class B8), provision of associated vehicle parking and change of use of adjoining land to a trailer park to facilitate relocation of existing trailer park.

It was proposed by Councillor Albon and seconded by Councillor Rusiecki:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

- 2) The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 002 Revision B (received 17/11/22), 003 Revision B (received 17/11/22), 004, 005, 006, 007 (received 26/09/22), 008 (received 08/08/23) and 5947-LLB-ZZ-ZZ-DR-L-0001 Rev P02.

**GROUND:**

To secure the proper development of the area.

- 3) Prior to the erection of the external faces of the development hereby approved, details and manufacturer's specification of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

- 4) Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.
  - a. Routing of construction and delivery vehicles to / from site
  - b. Parking and turning areas for construction and delivery vehicles and site personnel
  - c. Timing of deliveries
  - d. Provision of wheel washing facilities
  - e. Any temporary traffic management / signage

## f. Access arrangements

### **GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

- 5) The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

### **GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

- 6) The area shown on the approved drawings numbered 002 Revision B (received 17/11/22) for vehicle parking and manoeuvring areas for the trailer park area, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first use of the trailer park hereby permitted.

### **GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

- 7) Prior to the first occupation of the warehouse hereby approved the car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan 002 Revision B (received 17/11/22) and shall be retained free from obstruction for their intended use at all times thereafter.

### **GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

- 8) Prior to the first occupation of the warehouse hereby approved the provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans 1771 002 Rev B and shall be retained free from obstruction for their intended use at all times thereafter.

### **GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

- 9) Prior to the first occupation of the warehouse hereby approved details of secure and covered cycle parking, which shall be in the form of scale drawings; shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

- 10) Prior to the first use of the warehouse or trailer park, the vehicular access to the site shall be provided with visibility splays of 15 metres x 2.4 metres x 15 metres with no obstructions over 0.9 metres above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

In the interest of highway safety in accordance with the advice contained within the NPPF.

- 11) Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of hard and soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:

- A plan showing the location of all native trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting
- A plan showing the location and construction material of all hard surfacing.

The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the units hereby approved.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

- 12) All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously



damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

**GROUND:**

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan.

- 13) A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The areas shall be managed in accordance with the approved landscape management plan in perpetuity.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

- 14) Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

- 15) Prior to the installation of any external lighting associated with the approved development, a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall Identify those areas/features on site that are particularly sensitive for badgers and

bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

## **GROUND:**

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

- 16) Prior to the first use of the development hereby approved, details of the number, location and design of the bat boxes which are to be installed shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details prior to the first use of the trailer park area hereby approved and hereby retained.

## **GROUND:**

In the interests of nature conservation in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

- 17) No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first use of the trailer park area hereby approved and shall be retained as such thereafter.

## **GROUND:**

In the interests of nature conservation in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

- 18) The development shall be carried out in accordance with the no vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.

## **GROUND:**

In the interests of nature conservation in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

19)

- a. Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification timetable which has been submitted to and approved by the local planning authority.
- b. Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- c. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- d. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
  - I. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
  - II. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
  - III. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
- e. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

## **GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 20) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

## **GROUND:**

To ensure that due regard is had to the preservation in situ of important archaeological remains.

- 21) If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

## **GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

- 22) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

## **GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

- 23) No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- Appropriate operational, maintenance and access requirements for each drainage feature or
- SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
- New cesspit should be fully lined with an impermeable geomembrane material and include mitigations to prevent contamination of the below lying groundwater aquifer. The surface water drainage design should include hydrocarbon treatment.
- The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

## **GROUND:**

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water, in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

- 24) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

## **GROUND:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Upon being put to the vote, the motion was declared **CARRIED**.

- (b) **A02 F/TH/22/1718 - Mount Pleasant Lorry Park, Tothill Street, Ramsgate**

**PROPOSAL:** Erection of single storey building comprising 3no. mixed use retail/cafe units (Use Classe E), provision of 2no. lorry bays and parking, together with associated landscaping.

It was proposed by Councillor Albon and seconded by Councillor Rusiecki:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2. The proposed development shall be carried out in accordance with the submitted application as amended by the revised plan numbered 1068-1a, received 09 June 2023; 23051/02 Rev A, and 23051/11 Rev A, received 04 August 2023; and 1068-3A Rev B, received 22 March 2023.

**GROUND:**

To secure the proper development of the area.

3. If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To protect vulnerable groundwater resources in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the

excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with the Archaeological Strip, Map and Sample Excavation Report, Compiled by Canterbury Archaeological Trust Ltd, Dated October 2022.

## **GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, full details of both hard and soft landscape works, to include:
  - species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
  - the treatment proposed for all hard surfaced areas beyond the limits of the highway,
  - walls, fences, other means of enclosure proposed,
  - ecological enhancements to be provided within the site, shall be submitted to, and approved in writing by, the Local Planning Authority.

## **GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

7. All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

## **GROUND:**

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan.

8. A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all

landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

9. Prior to the first use of the development hereby permitted, details of the establishment and management of the living wall shall be submitted to, and approved in writing by, the Local Planning Authority. The plan should detail how the living wall will be established and managed in the long term. The living wall, as approved, shall be provided prior to the first use of the development, and maintained in accordance with the approved plan.

**GROUND:**

In the interests of visual amenity and to limit the impact upon the countryside and landscape character area, in accordance with Policies QD02, SP24 and SP26 of the Thanet Local Plan.

10. Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:
  - a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
  - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
  - c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**GROUND:**

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

11. Prior to the first use of the retail/cafe units hereby permitted, the 2no. lorry parking spaces as shown on the approved plan numbered 1068-1a, shall be provided and made operational. The lorry parking spaces shall thereafter be maintained.



**GROUND:**

To retain lorry parking spaces for which there is a current need, in accordance with highway safety.

12. Prior to the first use of the development hereby permitted, details of the road signage and markings directing vehicle movements in and around the site, as indicated on plan numbered 23051/02 Rev A, shall be submitted to, and approved in writing by, the Local Planning Authority. The signage shall be installed and the road markings provided in accordance with the approved details, and prior to the first use of the development.

**GROUND:**

In the interests of highway safety.

13. Prior to the first occupation of the development hereby approved, details of the design of the 4no. electric vehicle charging points to be provided within the site, along with their location, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained in good working order as approved.

**GROUND:**

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the NPPF.

14. Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1068-1a (for 4no. bikes) shall be provided and thereafter maintained.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

15. Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.
  - a) Routing of construction and delivery vehicles to / from site
  - b) Parking and turning areas for construction and delivery vehicles and site personnel
  - c) Timing of deliveries
  - d) Provision of wheel washing facilities
  - e) Temporary traffic management / signage
  - f) Measures to control noise affecting nearby residents
  - g) Dust control measures
  - h) Access arrangements

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

16. Prior to the first use of the retail/cafe units hereby permitted, details of the location of the 4no. parking spaces to be made available for general public use shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces identified on the approved plans shall be made available for general public use prior to the first use of the development in accordance with the approved details, and not restricted to use by patrons of the proposed units hereby permitted.

**GROUND:**

In the interests of highway safety.

17. No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND:**

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

18. The development hereby approved shall be used as a mixed use retail and cafe use (use classes E(a) and (b)) and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (outside of those permitted above), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**GROUND:**

To secure the proper development of the area as an acceptable departure from Policy E05 of the Thanet Local Plan.

19. Prior to the construction of the external surfaces of the development hereby approved samples the materials to be used in the construction of the building(s) shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

20. Prior to the first use of the development hereby permitted, refuse storage shall be provided in the location as shown on the approved plan numbered 1068-1a, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The refuse storage facilities, along with the 'keep clear' hatchings and access way required to serve the collection, as shown on plan numbered 23051/11 Rev A, shall be provided prior to the first use of the development, and thereafter maintained.

**GROUND:**

In the interests of visual amenity, and to provide a satisfactory refuse collection to serve the development, in accordance with Policy QD02 of the Thanet Local Plan.

Upon being put to the vote, the motion was declared **CARRIED**.

- (c) **A03 PN13/TH23/0004 - British Heart Foundation, 113-117 High Street, Margate**

**PROPOSAL:** Two storey extension at existing roof level to provide 6 no. flats.

Mr Munnelly spoke in favour of the application.

Mr Mitchell spoke against the application.

Cllr. Whitehead spoke under Council Rule 20.1.

It was proposed by the Chair and seconded by the Vice-Chair:

THAT the officer's recommendation be adopted, namely:

That the application be deferred and delegated to officers for approval subject to the submission of a signed unilateral undertaking securing the SPA contribution, and the following safeguarding conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2. The development hereby approved shall be carried out in accordance with the submitted drawing numbered 0543-PL\_1102 received 14 February 2023 and drawings numbered 0543-PL\_1104 Rev B received 9 June 2023, 0543-PL\_1301 Rev B, 0543- PL\_1300 Rev B, 0543-PL\_1200 Rev C, 0543-PL\_1103 Rev C, 543-PL 1100 Rev A and 0543-PL 1101 Rev A, received 14 July 2023.

**GROUND:**

To secure the proper development of the area.

3. The external materials and external finishes to be used in the development hereby approved shall be as detailed on drawing numbered 0543-PL-1200-Rev C, received 14 July 2023.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

4. The refuse storage facilities as specified upon the approved drawing numbered 0543-PL 1100 Rev A and received on 14 February 2023 shall be provided prior to the first occupation of the flats hereby approved and shall be kept available for that use at all times.

**GROUND:**

In the interests of the residential amenity of future occupiers of the flats in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

5. Prior to the first occupation of the flats hereby approved, the secure cycle parking facilities, as shown on approved drawing numbered 0543-PL 1101 Rev A, received 14 February 2023, shall be provided and thereafter maintained.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

6. Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.
  - a) Routing of construction and delivery vehicles to / from site
  - b) Parking and turning areas for construction and delivery vehicles and site personnel
  - c) Timing of deliveries
  - d) Provision of wheel washing facilities
  - e) Temporary traffic management / signage
  - f) Measures to control noise affecting nearby residents
  - g) Dust control measures
  - h) Access arrangements

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

Upon being put to the vote, the motion was declared **CARRIED**.

- (d) **A04 A/TH/23/0452 - Pier Head Shelter, The Harbour, Broadstairs**

**PROPOSAL:** Erection and display of 1No fascia sign with illuminated neon lettering (retrospective).

It was proposed by Councillor Albon and seconded by Councillor Rusiecki:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

**GROUND:**

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

**GROUND:**

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

**GROUND:**

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

**GROUND:**

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

5. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

**GROUND:**

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

6. The intensity of the illumination of the advertisement hereby approved by this consent shall at no time exceed 150 cd/sq.m.

**GROUND:**

In the interest of the visual amenity of the area in accordance with Policy QD06 of the Thanet local Plan.

Upon being put to the vote, the motion was declared **CARRIED**.

(e) **A05 L/TH/23/0237 - Crumps Farm, Shuart Lane South, Birchington**

**PROPOSAL:** Application for Listed Building Consent for the change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi- detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.

Mr Esdaile spoke in favour of the application.

It was proposed by the Chair and seconded by the Vice-Chair:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors to include sections through glazing bars, frames and mouldings shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with and advice contained within the National Planning Policy Framework.

3. Prior to the construction of the external surfaces of the development hereby approved samples the materials to be used in the construction of the building(s) shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in

accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

4. The brick bond, mortar mix and pointing techniques for the works hereby approved shall precisely match those on the existing building.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the NPPF.

5. The roof lights hereby approved shall be 'conservation style' roof lights, set flush with the roof plane.

**GROUND:**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

Upon being put to the vote, the motion was declared **CARRIED**.

(f) **D06 F/TH/23/0236 - Crumps Farm, Shuart Lane South, Birchington**

**PROPOSAL:** Erection of 2No 4 bed two storey detached dwellings together with change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.

Ms Sanlon spoke in favour of the application.

Councillor Dave Divers spoke on the behalf of St Nicholas-at-Wade with Sarre Parish Council regarding the application.

It was proposed by the Chair and seconded by the Vice-Chair:

THAT the officer's recommendation be adopted, namely:

That the application be deferred and delegated to officers for approval subject to the receipt of a legal agreement securing the contribution towards altering the speed limit in the village and safeguarding conditions, as well as the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2. The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 30216B\_200, 30216B\_201, 30216B\_202, 30216B\_203, 30216B\_204, 30216B\_205, 30216B\_225 Rev A, 30216B\_230 Rev B, 30216B\_231 Rev B, 30216B\_235 Rev B, 30216B\_236 Rev A, 30216B\_240 Rev A, 30216B\_310 Rev A, 30216B\_315 Rev A, 30216B\_320 Rev A, 30216B\_325 Rev A, 30216B\_330 Rev B, 30216B\_335 Rev A, 30216B\_415 Rev A, 30216B\_420 Rev A, 30216B\_425 Rev A, 30216B\_430 Rev A, 30216B\_435, received 14 February 2023, 30216B\_105, 30216B\_215 Rev B, 30216B\_220 Rev B, received 03 March 2023, 30216B\_210 Rev C, 30216B\_410 Rev B received 18 April 2023, 05, 30216B\_110 Rev G received 26 June 2023, 30216B\_112 Rev G, 30216B\_115 Rev D, 2203230-001 Rev B, 2203230-003 Rev A received 14 August 2023.

**GROUND:**

To secure the proper development of the area.

3. Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall
  - a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
  - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
  - c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**GROUND:**

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

4. Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:
  - species, size and location of new trees, shrubs, hedges and grassed areas to be planted,



- the treatment proposed for all hard surfaced areas beyond the limits of the highway,
- walls, fences, other means of enclosure proposed,
- ecological enhancements to be provided within the site shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND:**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

5. The development hereby permitted shall be completed in accordance with the submitted Bat Survey and Mitigation Strategy, KB Ecology, November 2022, received 14 February 2023.

**GROUND:**

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

6. A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

7. Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.
  - a) Routing of construction and delivery vehicles to / from site
  - b) Parking and turning areas for construction and delivery vehicles and site personnel
  - c) Timing of deliveries
  - d) Provision of wheel washing facilities
  - e) Temporary traffic management / signage
  - f) Measures to control noise affecting nearby residents
  - g) Dust control measures
  - h) Access arrangements

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

8. No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include o A survey of the extent, scale and nature of contamination
  - An assessment of the potential risks to
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
  - An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

9. If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

10. Prior to the commencement of development hereby approved an arboricultural method statement shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

**GROUND:**

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

11. All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

## **GROUND:**

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan.

12. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

## **GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

13. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that phase, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

## **GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

## **GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

15. Prior the construction of the external surfaces of the development hereby approved samples of the materials to be used shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

16. Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors to include sections through glazing bars, frames and mouldings shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with and advice contained within the National Planning Policy Framework.

17. The roof lights hereby approved shall be 'conservation style' roof lights, set flush with the roof plane.

**GROUND:**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

18. Prior to the installation of all external meter boxes/cupboards details of materials and design of the meter cupboards shall be submitted to and approved in writing by the Local Planning Authority and installed accordingly.

**GROUND:**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

19. No further alterations, extensions, alterations/additions to the roof, porches, outbuildings, hard surfacing, chimney/flues or microwave antenna shall be carried out to the dwellings hereby approved whether approved by Schedule 2, Part 1, Classes A, B, C, D, E, F, G or H of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To safeguard the significance of the adjacent Listed Buildings, Conservation area and the visual amenities of the area in accordance with Policies HE02, HE03 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

20. Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 30216B\_110 Rev G and 2203230-001 Rev B should be completed and made operational.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

21. The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

22. Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 30216B\_110 Rev G shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

**GROUND:**

To protect air quality, in accordance with Policy SP14 of the Thanet Local Plan and the advice as contained within the NPPF.

23. Prior to the first occupation of the development, the area shown on approved plan 30216B\_110 Rev G for the parking and manoeuvring of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

24. Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 30216B\_110 Rev G shall be provided and thereafter maintained.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

25. Prior to the first occupation of the development, the refuse storage and collections points, as shown on approved drawing no. 30216B\_110 Rev G shall be provided and thereafter maintained.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

26. The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

27. The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

28. Prior to the first occupation of the development hereby permitted, the footpath along the boundary of the site with Shuart Lane, as shown on the approved plan numbered 30216B\_110 Rev G should be completed and made operational.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

29. Prior to the first occupation of the development hereby approved visibility splays shown on the submitted plans 2203230-001 Rev B shall be provided with no obstructions over 1.05m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

In the interest of highway safety in accordance with the advice contained within the NPPF.

30. Prior to the first occupation of the dwelling the following works between the dwelling and the adopted highway shall be complete
  - a) Footways and/or footpaths, with the exception of the wearing course;
  - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

**GROUND:**

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the NPPF.

Upon being put to the vote, the motion was declared **CARRIED**.

- (g) **D07 F/TH/23/0266 - Land to the North of Fairlawn Road and West of Northwood Road, Broadstairs**

**PROPOSAL:** Erection of 2no. 2-storey 2-bed dwellings and 1no. 2-storey 4-bed dwelling, the erection of a detached double garage, together with associated access, parking and landscaping.

It was proposed by the Chair and seconded by the Vice-Chair:

THAT the officer's recommendation be adopted, namely:

That the application be deferred and delegated to officers for approval, subject to receipt of a signed unilateral undertaking securing the SPA contribution and safeguarding conditions, as well as the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2. The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 167\_013.PL3.1, 167\_010.PL3.1, and 167\_100.PL3.3, received 11 August 2023; revised drawings numbered 167\_006.PL3.2, 167\_020.PL3, 167\_030.PL3, 167\_031.PL3, 167\_101.PL3.1, and 167\_103.PL3.2, received 10 August 2023.

**GROUND:**

To secure the proper development of the area.

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and



timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4. From the commencement of works (including site clearance), all precautionary mitigation measures for hedgehogs will be carried in accordance with the details in sections 10 of the Preliminary Ecological Appraisal (Native Ecology October 2020).
5. Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall
  - a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
  - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
  - c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**GROUND:**

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

6. Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:
  - species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
  - the retention of the mature hedgerow along the southern boundary of the site,
  - the treatment proposed for all hard surfaced areas beyond the limits of the highway,
  - walls, fences, other means of enclosure proposed,
  - ecological enhancements to be provided within the site;

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND:**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

7. All hard and soft landscape works shall be carried out in accordance with the approved hard and soft landscaping plans. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

## **GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan.

8. Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

## **GROUND:**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

9. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

**GROUND:**

In the interests of amenity for future occupiers in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

10. Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.
  - a) Routing of construction and delivery vehicles to/from site,
  - b) Parking and turning areas for construction and delivery vehicles and site personnel
  - c) Timing of deliveries
  - d) Provision of wheel washing facilities
  - e) Temporary traffic management / signage
  - f) Measures to control noise affecting nearby residents
  - g) Dust control measures
  - h) Access arrangements

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

11. Prior to the first occupation of the development, the area shown on plan numbered 167\_006.PL3.2 for the parking of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

12. Prior to the installation of the boundary treatment to the northern boundary of the site, details of the height, design and materials of the boundary (which may include a retaining wall), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved boundary details.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

13. The refuse storage facilities as specified upon the approved drawing numbered 167\_006.PL3.2 shall be provided prior to the first occupation of the dwellings hereby approved and shall be kept available for that use at all times.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

14. The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

15. The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

16. Prior to the first occupation of the dwellings hereby permitted a sprinkler system shall be installed within the dwellings, as agreed by the agent in correspondence received 10 August 2023. The sprinkler system shall be made operational and thereafter maintained.

**GROUND:**

To protect the safety of future occupiers, in accordance with Policy QD02 of the Thanet Local Plan.

17. The first floor window in the side elevation of the plot 1 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to the first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

18. Prior to the construction of the external surfaces of the development hereby approved samples the materials to be used in the construction of the building(s) shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in

accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

19. No further extensions, alterations or insertion of windows to plots 2, whether approved by or 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

Upon being put to the vote, the motion was declared **CARRIED**.

Meeting concluded: 9.13 pm

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## Planning Application F/TH/22/1341 – 16 Sowell Street, Broadstairs

**Meeting** Planning Committee – 18th October 2023

**Report Author:** Gillian Daws, Planning Officer

**Planning Reference:** F/TH/22/1341

**Site Address:** 16 Sowell Street, Broadstairs

**Applicant:** Mr Laurence Waitt

**Status:** For Decision

**Classification:** Unrestricted

**Previously Considered by:** Planning Committee 14 June 2023

**Ward:** St. Peters

### Executive Summary:

This report concerns a full planning application for the variation of condition 2 of planning permission F/TH/20/0575 for the “Erection of 4No. two story 4 bed detached dwellings with associated access, parking and landscaping” to allow removal of trees and change to finished floor levels

The application was reported to the Planning Committee on the 14th June 2022. At this meeting, a motion to approve the application subject to safeguarding conditions was voted down and a motion was passed to defer the application back to officers and bring back to Members following discussions with the applicant to seek alternative measures and/or changes to the layout to ultimately seek the retention of the trees. No objections were raised to the increase in the finished floor levels.

Following this an updated statement has been provided by the applicant to justify the tree removal, for clarity the number of trees for removal - four (T1, T7, T8 and T15) are still proposed to be removed.

The application is reported back to the Planning Committee for determination.

## **Recommendation:**

Members approve the application following the additional information submitted subject to the safeguarding conditions as detailed within the original planning committee report (annex 1).

## **Corporate Implications**

### **Financial and Value for Money**

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Central Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.

### **Legal**

However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.

The reasons for any decision must be formally recorded in the minutes and a copy placed on file.

If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.

### **Corporate**

The delivery of new residential units through the Local Plan and planning applications supports the Council's priorities of providing a five year supply of housing.



## **Equalities Act 2010 & Public Sector Equality Duty**

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.

### **1.0 Background**

1.1 Members considered the application at the Planning Committee meeting on the 14th June 2023 for the variation of condition 2 of planning permission F/TH/20/0575 for the "Erection of 4No. two storey 4bed detached dwellings with associated access, parking and landscaping" to allow removal of trees and change to finished floor levels. The application was recommended for approval subject to safeguarding conditions, following previous consideration at the meeting on the 14th June 2023. The motion to approve the application fell when put to a vote. A motion for officers to bring back the application once a discussion was had with the applicant to seek alternative measures and/or changes to the layout to ultimately seek the retention of the trees was then carried.

1.2 The site has an extant planning consent for four residential properties which this application seeks to vary, and as such the principle is wholly accepted. This application is to assess the impact of the changes now sought; removal of four trees and increase in floor finished levels.

### **2.0 Additional Information**

2.1 Following the Planning Committee meeting on the 14th June, the applicants' agent was advised of the discussions of Members at the Planning Committee meeting and their request to seek the retention of the trees proposed for removal using alternative measures or alterations to the layout. The applicant has submitted an updated statement from the applicant's arboriculturist. This statement details that under BS 5837:2012 "Trees in Relation to Design, Demolition and Construction - Recommendations", Category U trees (of less than ten years safe lifespan/dead/dying/dangerous) should not be a material planning consideration. T15 is identified as this category of tree. The arboriculturist concludes that this

sycamore is of no relevance to the planning process and is required to be removed on safety grounds. Officers noted previously that T15 was the only tree within the four proposed to be removed that was classed as being over mature.

- 2.2 In terms of the cited British Standard “Trees in Relation to Design, Demolition and Construction - Recommendations” (BS 5837) (2012), this details the steps that should be taken to ensure that trees are appropriately and successfully retained when a development takes place. There are several elements that are essential when considering development - species, height, stem diameter, ranch spread, height of crown clearance above ground, age class, physiological and structural condition, preliminary management requirements, estimated safe useful life expectancy and category grading. In terms of category U trees not being a material planning consideration, the applicant's Tree Consultant has arrived at this conclusion as Table 1 ‘Cascade Chart for Tree Quality Assessment’ identifies BS category U as ‘Trees unsuitable for retention’. Furthermore it is put forward within Section 5.2 (Constraints posed by existing trees) that “...The RPA (see 4.6) and any other relevant constraints should be plotted around each of the category A, B and C trees ....”. By not including BS category U trees, this defacto indicates that BS category U trees are not a potential constraint and should therefore not be considered in the design process. Officers consider that category U trees can offer some amenity to groups of trees when viewed within this context, however it is also considered that those trees of this category are unlikely to survive beyond the short term irrespective of any development proposal. It is therefore considered that the removal of the category U tree cannot be reasonably objected to.
- 2.3 The remaining sycamore trees; T1, T7 and T8 are detailed to be within 50cm of the stem to the agreed access drive, visitor layby parking and turning head. The arboriculturist details that this is not physically possible to achieve without significant root loss and a no-dig solution (such as the cellular system suggested at the previous meeting) is not viable due to the site conditions. Furthermore it is detailed that the existing ground levels next to T1 are raised with a low retaining wall. Levels are 60cm+ above the floor level of Unit 4 and 50cm above the level of Unit 3. As such he considers that it would not be practical to build up the access drive with a no dig solution (adding circa 25cm to the level differences) and then drop within reasonable gradients to the approved units. As such it is concluded in the submission that the practicalities of construction would require T1, T7 and T8 to be removed.
- 2.4 Officers recognise the difficulties with providing access to the site and retaining these three trees. Whilst it is acknowledged that their loss will have some impacts on the verdant feel of Sowell Street, a large portion of the trees on site will remain. Weight is also attached to the fact that the trees in question are not considered to be covered by the Tree Preservation Order on the site due to their age.. Replacement tree planting (5 trees) as detailed within the original planning report is also be conditioned if Members accept the justification put forward by the applicant's arboriculturist. This in itself would offer the LPA control over replacement tree planting. . Whilst the trees lost would not be immediately replaced

with the same ecological value by the additional 5 trees, this would occur in the long term and the proposal would provide replacement trees of native species, as opposed to the sycamore trees to be lost.

### **3.0 Potential reasons for refusal**

- 3.1 The proposal relates to an extant planning consent as such there is no objection to the principle of residential use of the site. It is confirmed to Members that only the changes proposed by this variation can be considered. The development would result in economic and social benefits that come from the creation of residential units, including anticipated job creation.
- 3.2 As outlined in the “Protocol for the Guidance of Planning Committee Members and Officers” as part of the Council’s constitution, if the Planning Committee is minded to refuse planning permission against officer advice the Planning Committee is required to give adequate and intelligible reasons on good planning grounds for refusing to grant planning permission and these ground(s) of refusal must be in the minds of members of the Planning Committee at the point of refusal.
- 3.3 Members have previously raised concerns about the loss of the trees only. The previous committee report outlined how officers considered that the changes to the finished floor levels of unit 4 would not impact negatively on the street scene or neighbour amenity.
- 3.4 Following the receipt of additional information from the applicant’s qualified arboriculturist, it is considered that their justification clearly sets out the reasons why it is necessary to remove the four trees and why other options/solutions are not practical. In the professional opinion of officers it could not be considered a reasonable planning judgement that the development, by virtue of the loss of these four trees, would result in harm to the character and appearance of the area that would outweigh the benefits of bringing forward four new dwellings within the District, especially with the incorporation of 5 trees to offset the loss of the tree, and the inability for the Council to demonstrate a 5 year supply of housing land. The views of the site from the public realm would not be demonstrably altered by the removal of the 3 category C trees, given their location adjacent to larger groups of retained trees meaning that wider views of the site would not be affected. . Therefore a reason for refusal on the impact on the character and appearance of the area would not be justified on planning grounds in the opinion of officers.
- 3.5 It is highlighted to Members that the Council is at risk of having costs awarded against it, if, subsequently on appeal, it is unable to justify a ground of refusal. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. One of the aims of the costs regime, outlined by the National Planning Practice Guidance, is to “encourage local planning authorities to properly exercise their development

management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay”.

- 3.6 The proposed development is located on a site which has an extant permission on for four dwellings, this application seeks to vary this consent. This development would enable access to the site that otherwise would not be feasible due to the trees. Whilst members have expressed disappointment that the trees which were previously stated to have been retained are now proposed to be removed, the decision on this application must be made on the merits of the case taking into account the need to take reasonable planning decisions in accordance with government guidance. The applicant has demonstrated through the submission of additional information from the arboriculturist the rationale behind the decision to remove the trees in question. Conditions would be applied to ensure that this proposal incorporates the replacement trees to mitigate the loss of the trees sought for removal in this application. It is considered that following the submission of the additional information and the changes to the approval proposed, that there is no justifiable reason for refusal in the view of officers, and that the replacement trees of native species would sufficiently offset any amenity lost in the long term..

#### **4.0 Options**

- 4.1 Members approve the application following the additional information submitted subject to the safeguarding conditions as detailed within the original planning committee report (annex 1).
- 4.2 Members propose an alternative motion.

#### **5.0 Recommendations**

- 5.1 Officers recommend Members of the Planning Committee to agree to option 4.1.

Contact Officer: *Gillian Daws, Senior Planning Officer*  
Reporting to: *Iain Livingstone, Planning Applications Manager*

#### **Annex List**

Annex 1: Committee Report F/TH/22/1341

Annex 2: Applicant's Arboriculturist Comment



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**D13**

**F/TH/22/1341**

**PROPOSAL:** Variation of condition 2 of planning permission F/TH/20/0575 for the "Erection of 4No. two storey 4bed detached dwellings with associated access, parking and landscaping" to allow removal of trees and change to finished floor levels

**LOCATION:**

16 Sowell Street BROADSTAIRS Kent CT10 2AT

**WARD:** St Peters

**AGENT:** Mr Daniel McCarthy

**APPLICANT:** Mr Laurence Waitt

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to receipt of a legal agreement securing the required planning obligation/confirmation of payment of obligation under F/TH/20/0575 and the following safeguarding conditions:

- 1 This consent shall be implemented no later than the 3rd February 2024.

**GROUND**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 02 H (received 16/05/23), 04 A (received 30/07/20), 05 A (received 30/07/20), 06 A (received 30/07/20), 07 A (received 30/07/20), 08 A (received 30/07/20), 09 A (received 30/07/20) and 10 A.

**GROUND**

To secure the proper development of the area.

- 3 The materials to be used for the development hereby approved shall fully adhere to the details agreed under application reference number CON/TH/22/1368.

**GROUND**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

- 4 The first floor ensuite windows in plots 1 & 4 hereby approved shall be non-opening below 1.73m above the finished internal floor level, shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND**

# Agenda Item 4

## Annex 1

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

5 The implementation of ecological enhancements as detailed within Section 4.10 of the submitted ecological report shall be carried out concurrently with the development and thereafter retained.

### **GROUND**

To incorporate biodiversity improvements in accordance with paragraph 174 of the National Planning Policy Framework.

6 The development shall be carried out in accordance with the approved Arboricultural Method Statement and associated documents agreed under application reference number CON/TH/22/1368; condition 6.

### **GROUND**

To protect existing protected trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

7 The development shall be carried out in accordance with the approved hard and soft landscaping as agreed under application reference number CON/TH/22/1368; condition 7.

### **GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

8 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

### **GROUND**

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

9 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.



### **GROUND**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

10 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

### **GROUND**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

11 The development shall be carried out in accordance with the Construction Management Plan as agreed under application reference number CON/TH/22/1368.

### **GROUND**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

12 The area shown on the approved plan numbered 02E for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

### **GROUND**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

### **SITE, LOCATION AND DESCRIPTION**

The application site is located on the eastern side of Sowell Street, Broadstairs. The site also has part of the rear boundary directly fronting onto Crawford Road. The site was garden land associated with a property known as Green Lawns (to the north of the site boundary). At present the application site is overgrown with vegetation and trees mainly around the perimeter of the site. Three trees on site are covered by an area Tree Preservation Order (B/TPO/2(1974) A1). The site is enclosed on Sowell Street by a red brick wall. The site is rectangular in shape and measures approximately 41m x 45m. It is surrounded by residential development to the north, south and east and to the west is St Joseph's Catholic Primary School.

### **RELEVANT PLANNING HISTORY**

F/TH/20/0575 Erection of 4No. two storey 4 bed detached dwellings with associated access, parking and landscaping. Granted 03/02/21

F/TH/17/0572 Erection of 3 No 4-bed dwellings. Granted 13.09.2017

F/TH/09/0505 Erection of 8 no dwellings with associated parking and landscaping works. Refused 18/08/2011. Appeal Dismissed

### PROPOSED DEVELOPMENT

Planning consent was previously approved under planning reference F/TH/20/0575 for the erection of 4 detached dwellings on the 3rd February 2021.

Planning consent is sought for the removal of 4 no trees (all of which are Sycamores) around the proposed driveway layout; these trees were identified for retention in the previous consented scheme, as the applicant advises that the existing tree bases and roots will prevent the construction of the proposed driveways. The submitted tree report classes these as BS Category Grade 'C' and 'U' trees. Initially a further tree was proposed for removal to the side of unit 1 and adjacent to existing dwelling no.4 Crawford Road owing to health and safety concerns in relation with the adjacent property; No4. Crawford Road. This has since been omitted from this application.

In addition it is proposed to raise the finished floor level (FFL) by 225mm to match the FFL of unit 3 which is set at +37.230 AOD. The application details that this is required by the drainage consultant in order to allow a connection to mains sewer by gravity.

The trees for removal are shown on an amended plan together with an updated Arboricultural Method Statement (both received 16th May 2023).

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

SP01 - Spatial Strategy - Housing  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP27 - Green Infrastructure  
SP28 - Protection of the International and European Designated Sites  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP43 - Safe and Sustainable Travel  
H01 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

**Broadstairs and St Peters Neighbourhood Plan**

BSP3: Protecting and Providing Important Trees

BSP9: Design in Broadstairs & St. Peter's

BSP12: Full Fibre Broadband Connections

NOTIFICATIONS

Letters were sent to adjoining occupiers, and a site notice posted close to the site.

Three representations have been received, one of which supports the application due to damage to their property. The concerns can be summarised as follows:

- Inadequate access
- Inadequate parking provision
- Increase danger of flooding
- Increase in traffic
- Traffic or Highways
- Would like to know why so many trees are being removed
- No pavement on this side of the road
- Nature of Sowell Street will be lost by the removal of the trees

**Broadstairs Town Council:** The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL on the grounds that the trees play a significant role in Sowell Street.

**Broadstairs Society:** The application makes reference to a tree report. Where is it? Until the Society sees it, to make comment, it cannot support the application.

CONSULTATIONS

**KCC Highways:** Non-protocol application and, therefore, no comments to make.

**Environment Agency:** This application relates to condition(s) that was/were not requested by us, we therefore have no comments to make with regards to the discharge/variation of condition(s).

**TDC Tree Officer:** The submitted revised Site Plan Block (their reference 02 F) appears to show five existing trees to be removed, annotated as "trees removed as per tree report", presumably referring to the LaDeIIWood tree survey submitted with the original application (F/TH/20/0575). The trees are not numbered, so not directly relatable to the tree survey. The plotted location of four of these five trees appears to be close to proposed internal driveway and parking, the other is close to Unit 1 and the southern boundary. There would likely be significant incursion into their root protection areas (rpa) and on this basis removal appears reasonable.

There are a number of other trees shown on the plan, annotated as "trees retained as per tree report". Again, the trees are not numbered, so not directly relatable to the tree survey. I

# Agenda Item 4

## Annex 1

note comments in the Officer Report for 20/0575 that revisions allow for trees to be retained, as shown on the applicant's previously revised Site Block Plan (ref. 02 E), but the tree report as submitted shows almost all trees on the site to be removed. For the sake of clarity, I suggest the current plan be amended to remove reference to the tree survey.

The proposed driveway and parking areas make significant incursions into the rpa's of many of the retained trees, also a small part of the footprint to Unit 1. As the tree survey and report was based on the assumption that all trees were to be removed, I've not seen any assessment of the impact on tree roots and health, nor any mitigation (e.g. construction above existing levels).

The tree report makes reference to existing soil levels being apparently raised around the base of trees and across the site. It says this is shown on their drawing 2338/15/B/1, but not as far as I could see. I couldn't find any reference to whether the proposed development requires existing levels to be raised/lowered, with any consequent implications for trees.

I note Condition 6 of the 20/0575 consent requiring submission and approval of an Arb Method Statement before works commence on site. This is a potentially important document now, particularly as I understand some of the trees are TPO'd, and must address these last two points.

### COMMENTS

This application is referred to the Planning Committee at the request of Cllr Garner, for Members to assess the impact of the proposed loss of trees.

The main considerations in assessing the submitted scheme are the impact upon the character and appearance of the area, and impact upon trees and ecology.

### **Principle**

The principle of the residential on the site was agreed under the consent F/TH/20/0575, which is still extant. As such, there is no in principle objection to this residential development of the site.

### **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Paragraph 130 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 135 of the NPPF states that "Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being

# Agenda Item 4

## Annex 1

made to the permitted scheme (for example through changes to approved details such as the materials used)."

Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces.

As stated above, this application seeks to raise the finished floor level (FFL) of unit 4 by 225 mm to match that of unit 3. A proposed site section and front elevations plan has been submitted that indicates that this marginal increase in FFL would not have a significant visual impact upon the amenities of the area as the increase would not be perceivable given the limited increase.

As such it is not considered that the proposal would conflict with the aims of the NPPF or policies of the Local Plan or Broadstairs and St. Peters Neighbourhood Plan.

### **Trees**

The site contains a number of trees covered by a Tree Protection Order (TPO) (under reference B/TPO/2(1974)A1). The Order covers the entire site for those trees that were present in 1974.

The previous application F/TH/20/0575 included a Tree Survey paragraph 4.1 of the Tree Survey submitted to support the previous application and carried out March 2020, stated that "The proposal is to construct four dwellings with access using the southern entrance to the site from Sowell Street. The existing wall on the Sowell Street frontage will be retained in the proposals. As recommended, trees 1 and 3 to 15 will be removed. Tree 16 will also be removed. The details of the construction following BS5837:2012 are shown on plan 2338/15/B/2C. All the tree protection fencing will be erected before work starts on site and this will ensure that the trees are properly protected during construction and will not be affected by these works."

A total of the 15 trees of the 16 trees on site were proposed to be removed under application F/TH/20/0575. Following concerns expressed by the officer during the consideration of application F/TH/20/0575 the agent confirmed that all trees would be retained.

In addition under the original application concerns were raised about the impact of hard surfacing on the root protection areas of the retained trees, the site block plan had been amended (02E) to show remove the reference to any hard surfacing material pending the outcome of further assessments to ensure that the root protection areas of the trees to be retained are taken into account.

Since this time it is now considered by the applicant that 4 trees will need to be removed in order to make provision for the driveway, these are trees T1, T7, T8 and T15 all Sycamore trees and all category C except for T15. Hence the submission of this variation of condition

## Agenda Item 4

### Annex 1

application. Category C is classed as low quality trees expected to have a lifespan of over 10 years and U is unsuitable for retention. All these trees are indicated as being mature with the exception of T15 which is identified as over mature. Given that the TPO dates back some 51 years it is unlikely that these Sycamore trees were present on the site when the order was made and, therefore, not covered by the Order. As such, whilst these four trees may give some presence and a more verdant nature to the front of the site it is considered that their removal would not result in significant harm to the area or amenity. Given that they are unlikely to be covered by the TPO it is recognised that they could be removed if this condition had not been attached. On balance therefore it is not considered that an objection could be sustained.

Conditions 6 on the original application related to the submission of an Arboricultural Method Statement and landscaping details. The details contained within the documents submitted with the discharge of condition application (reference CON/TH/22/1368), were considered acceptable, this also included the planting of 5 new trees along the eastern boundary with a mix of Acer Campestre and Betula Pendulas. In order to safeguard this a condition can be attached to this consent to ensure the planting of these trees, should Members resolve to approve.

Given the above limited removal of 4 trees that appear too young to be covered by the TPO and planting of 5 new trees along the eastern boundary the proposal is considered acceptable.

#### **Living Conditions**

Policy QD03 (Living Conditions) states that all new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The removal of trees would not harm living conditions as it would not reduce light to neighbouring occupiers.

In terms of the increase in FFL the increase is marginal (225mm) and would not have an impact on the property to the north of unit 4, as this modest change would not be perceivable or increase harm to such a level that would be unacceptable.

Therefore the changes proposed in this application would have a neutral impact on future occupiers and comply with national and local policies.

#### **Transportation**

# Agenda Item 4

## Annex 1

The proposed amendments will not have an impact on the siting or location of the dwellings. As such, there would be no adverse impact on highway safety or parking as a result of the proposed changes of window material.

### **Contributions**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified. The previous application included an obligation to pay towards the Strategic Access Management and Monitoring Plan (SAMM) in accordance with Policy SP29 of the Local Plan.

The proposed amendments do not vary the amount of SAMM contribution required for the development under F/TH/20/0575. It appears, however, that this contribution has not yet been received. If this application to vary condition 2 was approved, either the payment of the contribution would need to have been paid prior to issuing the decision or a new obligation entered into for payment of the SAMMs, otherwise the proposal would contribute towards a significant effect on the designated sites, contrary to Policy SP29 and the Habitat Regulations. Clarification has been sought if this payment has been made, however, no response has been received to date. If the payment has not been received a new Unilateral Undertaking will be required to secure the payment as well as monitoring fee.

### **Other Matters**

A discharge of condition application has been submitted against the 2020 application. It is confirmed that conditions 3 (materials), 6 (arboricultural method statement), 7 (landscaping) and 11 (construction management plan) have been agreed. This will need to be reflected in the new conditions for the scheme should Members resolve to approve the proposal.

### **Conclusion**

It is considered that the changes to the finished floor levels of unit 4 would not impact negatively on the street scene or neighbour amenity. Since the submission of the application the number of trees to be removed has been reduced to 4. These trees are all sycamores and are all category U with the exception of 1. Their removal is required specifically to accommodate the driveway to the dwellings approved. Taking into account their maturity as detailed within the Arboricultural Report submitted with the application it is considered that they are unlikely to have been in situ at the time of the Tree Preservation Order being confirmed some 51 years ago. As such it is considered that the loss of these four trees is acceptable, with 5 additional trees agreed to be planted on site. Therefore it is recommended that the variation of condition application is deferred and delegated for approval subject to safeguarding conditions and receipt of a legal agreement securing the required planning obligation/confirmation of payment of obligation under F/TH/20/0575.

### **Case Officer**

Gillian Daws

Agenda Item 4  
Annex 1

TITLE:

F/TH/22/1341

Project

16 Sowell Street BROADSTAIRS Kent CT10 2AT







**COMMENTS ON REQUIRED TREE REMOVAL  
AT  
16 SOWELL STREET, BROADSTAIRS, CT10 2AU**

***Application No: F/TH/22/1341***

These comments relate to the Arboricultural Method Statement dated 1<sup>st</sup> November 2022, Tree Protection Plan, drawing no. J60.04/01 and the Invent Architecture Site Plan Block, drawing no. 02 Rev. H.

The trees indicated for removal in the above referenced statement were originally listed as follows:

Tree No.	Species	BS Category
T1	Sycamore	C
T7	Sycamore	C
T8	Sycamore	C
T15	Sycamore	U
T16	Ash	B

Subsequently T16 was indicated to be retained on the Invent Architecture "Site Plan Block" drawing no. 02 Rev. H.

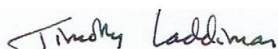
This leaves three BS category C trees and one BS category U tree for removal.

According to BS 5837:2012 "Trees in Relation to Design, Demolition and Construction - Recommendations" BS category U trees (of less than ten years safe lifespan/dead/dying/dangerous) are not a planning consideration. Therefore, the proposed removal of T15 Sycamore is of no relevance to the planning process and is required on safety grounds.

The approved site plan indicates the access drive and a visitor layby parking and turning head within 50cm of the stem of T1, T7 and T8. This is not physically possible to achieve without significant root loss and a no dig solution is not viable due to the site conditions. The existing ground levels next to T1 are raised with a low retaining wall. Levels are 60cm+ above the floor level of Unit 4 and 50cm above the level of Unit 3. It would not be practical to build up the access drive with a no dig solution (adding circa 25cm to the level differences) and then drop within reasonable gradients to the approved units.

It is therefore considered that common sense and practicalities of construction would require trees T1, T7 and T8 to be removed

The removal of these asymmetric crowned BS category C trees would not adversely impact on the public visual amenity due to the number of retained trees that would still be present. Their removal would allow the retained trees, over time, to form more balanced canopy structures utilising the light and space resulting from the removal of these low quality trees.



Tim Laddiman  
Chartered Arboriculturist  
7<sup>th</sup> September 2023

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## THANET DISTRICT COUNCIL

### PLANNING COMMITTEE

18TH OCTOBER 2023

#### BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

- (A) Standard Reference Documents - (available for inspection at the Council offices and via [thanet.gov.uk](http://thanet.gov.uk) and [gov.uk](http://gov.uk))

1. Thanet District Council Local Plan and associated documents.
2. Cliftonville Development Plan Document
3. Broadstairs and St Peters Neighbourhood Plan
4. The National Planning Policy Framework and the National Planning Practice Guidance issued by the Ministry of Housing, Communities and Local Government.

- (B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection via the Council's website <https://planning.thanet.gov.uk/online-applications/> or at the Council offices)

- (C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available via the Council's website <https://planning.thanet.gov.uk/online-applications/> )

I certify that the above items are not exempt information.

- (D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:10th October 2023

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THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 18 October 2023

Application Number	Address and Details	Recommendation
A01 F/TH/23/0677	<b>Northwood Court Millennium Way Broadstairs Kent CT10 2LA</b>  Change of use from former student accommodation in connection with former Canterbury Christchurch University Broadstairs campus (Sui Generis), to proposed workers accommodation in association with Thanet Earth (Sui Generis).  Ward: St Peters	Approve
A02 FH/TH/23/0610	<b>52A Stone Road BROADSTAIRS Kent CT10 1DZ</b>  Raising of rear garden level by up to 1m to form raised turfed terrace (Retrospective application)  Ward: Bradstowe	Approve
A03 F/TH/23/0883	<b>Land East Of Parking Bay Canterbury Road West Minster RAMSGATE Kent</b>  Variation of condition 3 of approved planning permission for F/TH/22/1454 'Temporary change of use of agricultural land to store timber' to extend the time of the permission to store timber on the site for a further 12 months (until 30th June 2024)  Ward: Thanet Villages	Approve
A04 F/TH/23/0534	<b>J C Rook And Sons Limited Cecilia</b>	Approve

**Road Ramsgate Kent CT11 7DZ**

Change of use from cold storage depot  
(Use Class B8) to 3no. commercial  
units (Use Class B2) together with  
erection of a roof extension, alterations  
to fenestration, external works and  
associated parking following partial  
demolition of existing building

Ward: Sir Moses Montefiore

A05 L/TH/23/0340

**8 To 25 Military Road RAMSGATE  
Kent CT11 9JX**

Approve

Application for Listed Building Consent  
for the installation of festoon lighting

Ward: Central Harbour

**A01**

**F/TH/23/0677**

**PROPOSAL:** Change of use from former student accommodation in connection with former Canterbury Christchurch University Broadstairs campus (Sui Generis), to proposed workers accommodation in association with Thanet Earth (Sui Generis).

**LOCATION:** Northwood Court Millennium Way Broadstairs Kent CT10 2LA

**WARD:** St Peters

**AGENT:** Mr Grant Fixter

**APPLICANT:** Mr Wayne Hodgson

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 12831-0002-05, 12831-0003-02 and 12831-0004-02.

**GROUND;**

To secure the proper development of the area.

3 The accommodation hereby approved shall only be occupied by registered employees of Thanet Earth and at no time shall they be let, sold or otherwise used as separate and/or private units of residential accommodation. A register of occupants and their role at Thanet Earth shall be kept at made available for the inspection of the Local Planning Authority at all times.

**GROUND:**

To ensure that a permanent residential use is not commenced.

4 The occupation of the warden flat shall be limited to a person solely or mainly employed by Thanet Earth, and to any resident dependants and at no time shall it be let, sold or otherwise used as a separate and/or private unit of residential accommodation.

**GROUND:**

To ensure that a permanent residential use is not commenced.

5 Prior to the first occupation of the development hereby approved, full details of ecological enhancements to be provided within the site together with a timetable for their provision shall be submitted to, and approved in writing by, the Local Planning Authority. These enhancements shall be provided in accordance with the proposed timetable and thereafter permanently retained.

**GROUND:**

To make a positive contribution to biodiversity, in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

6 The development hereby approved shall be carried out in accordance with the submitted travel plan, with details of the route for coaches and additional cycle parking submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the building. The additional cycle parking shall be provided prior to the first occupation of the building for Thanet Earth workers and thereafter retained and coaches should use the approved route unless otherwise agreed in writing with the Local Planning Authority.

**GROUND:**

In the interests of highway safety and to promote cycling as an alternative form of transport in accordance with policies TP01, TP03 and SP43 of the Local Plan and the guidance contained in the National Planning Policy Framework.

**INFORMATIVES**

Details for the proposed ecological enhancements shall include habitat boxes for bats and breeding birds. Boxes for breeding birds will be targeted at S41 priority species<sup>3</sup>/ red/amber listed species<sup>4</sup>. Any boxes included for wildlife will be Woodstone/woodcrete boxes to ensure durability.

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

**SITE, LOCATION AND DESCRIPTION**

Northwood Court is an existing 3 storey u shaped building which houses 85 ensuite bedrooms arranged in a series of flats, a warden flat, a laundry room with bike, bin and smoking shelters. Four car parking spaces are provided within the gated complex with a further fifteen car parking spaces allocated to the building, but outside of the gated complex. Whilst now vacant, it provided accommodation for students in connection with Canterbury Christchurch University.



Access is achieved via that existing off Millennium Way, which is a shared access with a further building to the west of the site. Internal access roads branch off to serve each building.

The site is bound by mature hedgerows and trees to the north, east and south boundaries, with mature planting, fencing and the shared access to the west.

Millennium Way is to the north of the site, beyond which is the Kent Innovation Centre. East of the site is Northwood Road, beyond which are residential dwellings. To the south is a further building formerly associated with the University and an area of overgrown vegetation and trees. West of the site is a car parts shop which shares the access off Millennium Way.

## RELEVANT PLANNING HISTORY

F/TH/02/1014 - Erection of a detached 3 storey building to provide 85 units of student accommodation and 1 warden flat, together with 19 no. parking spaces and covered bicycle park. Approved 5th December 2002

## PROPOSED DEVELOPMENT

Permission is sought for the change of use from former student accommodation serving the former Canterbury Christchurch Broadstairs campus, to workers accommodation in association with Thanet Earth.

It is proposed that the accommodation would house up to 84 workers with 2 wardens - a day and night shift manager. No external or internal changes are proposed to the building and it is proposed that workers would be transported to and from the Thanet Earth site by coach. Communal cycles will be provided to be used by workers accommodated at the site.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP04 - Economic Growth  
SP09 - Westwood  
SP12 - Broadstairs  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP22 - Type and Size of Dwelling  
SP23 - Affordable Housing  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
SP45 - Transport Infrastructure  
E01 - Retention of Existing Employment sites  
H01 - Housing Development

H019 - Houses in Multiple Occupation  
H021 - Residential Use of Empty Property  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
SE05 - Groundwater Protection  
SE05 - Air Quality  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## **Broadstairs and St Peters Neighbourhood Plan**

BSP9 - Design in Broadstairs and St Peters  
BSP11 - Retention of Employment Space

## NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice displayed close to the application site.

One representation has been received neither objecting or supporting the application, but stating that it is a HMO application with an incorrect description.

**Broadstairs Town Council:** No objection.

**Broadstairs Society:** The Society has no adverse comments to make on this planning application although it must express some misgivings about the use of former student accommodation to house workers from Thanet Earth. The Society hopes that the people living near will not take against the workers nor that there will be any untoward behaviour arising from neighbour/worker interaction

## CONSULTATIONS

**Southern Water:** Southern Water records show that there are water distribution mains within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised

- The 12-inch water distribution mains requires a clearance of 6 metres on either side of the water distribution mains to protect it from construction works and to allow for future access for maintenance.

- No new excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water.

- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water distribution mains.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**KCC Biodiversity:** No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development, as described, has limited potential to result in ecological impacts. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

However, where noisy and disturbing works are required to alter the fabric of the building and could affect the roof or other external features of the building, a preliminary bat roost assessment/further bat surveys could be needed to inform mitigation/compensation requirements. Roosting bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Where such works form part of the planning permission, bat survey information would be required prior to determination of the planning application. However, it is our current understanding that no such works are necessary and so no ecological survey information is required at this time.

Additionally, the applicant should be reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season<sup>2</sup> (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

If planning permission is granted, we advise that the condition below is attached.

### Biodiversity and Enhancements

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021, biodiversity should be maintained and enhanced through the planning system. If planning permission is granted, we advise the following condition is attached:

Prior to occupation, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Details will include habitat boxes for bats and breeding birds. Boxes for breeding birds will be targeted at S41 priority species<sup>3</sup>/ red/amber listed species<sup>4</sup>. Any boxes included for wildlife will be Woodstone/woodcrete boxes to ensure durability. The approved measures will be implemented and retained thereafter.

### Thanet and Canterbury SAMMP

It is our understanding that there will be no net increase in dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). As such, there may be no requirement for proposals to contribute to the Thanet Coast and Sandwich Bay Strategic Access Management and Monitoring Plan (SAMMP).

However, Thanet District Council will need to review proposals and compare them to the site's previous use, to ensure that the change in use does not change impacts to the nearby statutory designated sites. If the change in use triggers additional recreational impacts, there may be a need to ensure that adequate means are in place to secure mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, if the application requires a contribution to the Thanet Coast and Sandwich Bay SAMMP, there would be a need for an appropriate assessment to be carried out as part of this application.

**KCC Highways:** Final Comment - Further to previous comments, the applicant has agreed to provide additional cycling storage facilities for 29 cycle spaces. A routing strategy has also been suggested to avoid Manston Court Road for the daily coaches between the site and Thanet Earth.

I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Submission and approval of a routing strategy for coaches between Northwood Court and Thanet Earth, avoiding Manston Court Road, to be utilised thereafter.

Informatives:

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Initial Comment - The proposal seeks a change of use from a former student accommodation to accommodation for workers in association with Thanet Earth. The application seeks to provide 86 rooms, accommodating 84 workers and 2 wardens.

The site is bound by Northwood Road and Millennium Way, with access via a shared access via Millennium Way. The site currently benefits from 15 parking spaces and 4 disabled spaces, which forms part of the red line boundary.

Workers are proposed to be transported to and from Thanet Earth by a 53 seat coach, resulting in two pick up and drop offs in the AM and PM peak periods. It is outlined that pick

up and drop offs will take place via Millennium Way kerbside, where the coach will utilise the existing turning head on Millennium Way. Tracking has been submitted, illustrating that a coach is able to enter and exit in a forward gear. The splitter island at Millennium Way ensures that all vehicles will travel northwards towards the A256. It is assumed that coaches would route along Manston Court Road, where the road narrows in sections. The routing should be ensured to be able to accommodate a coach of a sufficient size.

The application form indicates 20 cycle parking spaces, whereas the Design & Access Statement outlines 12 spaces are proposed. Kent Parking Standards (SPG4) outlines 1 cycle space per unit for flats and one space per 5 units for sheltered accommodation.

I suggest sufficient sheltered and secured cycle parking is provided for 1 space per 3 units initially, with the possibility for expansion.

In line with the above I shall be grateful for further details in relation to the following:  
Routing of the coaches to and from the site and Thanet Earth, to ensure the public highway is sufficiently wide enough to accommodate a large coach.  
Additional cycle parking in the ratio of 1 space per 3 units, equating to 29 spaces.

**TDC Planning Policy:** Just for context, our primary concern regarding the whole of Thanet Reach is the viability of the undeveloped remainder of the site. Going forward this is arguably Thanet's only real alternative to Manston Business Park for the location of new businesses.

It is considered that the tests in Policy E01 have been met.  
However it is also considered that this application is a departure to Policy E01. It is acknowledged that it is currently a non employment use however the original application contained a condition that the use must be capable of conversion back to employment use. It is unfortunate that didn't happen and therefore it is considered a case that should be discussed by Members.

In my opinion, considering we now have a building that is incapable of conversion and that the intended use is supporting an existing Local Business it is considered an exceptional and best fit alternative in the circumstances.

### COMMENTS

This application is brought before Members as a departure from the Local Plan.

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development)

states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

### **Loss of Employment Land**

The site lies partially within the Thanet Reach employment site. Policy E01 of the Thanet Local Plan states that the site should be retained as an employment site, supporting uses B1, B2 and B8 (or equivalent), which are storage, office, industrial uses.

The policy states that proposals for alternative uses on the site will only be permitted where:

- (i) It has been demonstrated that the site is no longer suitable or viable for employment purposes following an active and exhaustive marketing process for a minimum of 12 months;
- (ii) The proposal would not undermine economic growth and employment opportunities in the area;
- (iii) The proposal would not result in a significant, or harmful reduction in the supply of land available for employment purposes for the remainder of the plan period, having regard to the type of employment land proposed for reuse and its location;
- (iv) The proposal would not prejudice the ongoing operation of remaining businesses nearby; and
- (v) The proposal would result in a good standard of amenity for existing and future occupants.

Policy BSP11 of the Broadstairs and St Peters neighbourhood plan outlines that the redevelopment of land identified for employment use will only be supported where:

- a) The applicant can demonstrate that the site/premises is no longer capable of meeting employment needs; or
- b) Development of the site for other appropriate uses will facilitate the relocation of an existing business to a more suitable site or where there is no reasonable prospect of the site being used for employment uses ; or
- c) Unacceptable environmental problems are associated with the current use of the site and the proposal will remove them; or
- d) Relocation of the employer will make better use of existing or planned infrastructure

A planning statement has been submitted with the application, along with further supporting statements and information needed, to attempt to address the policy criteria justification for an alternative use on the site.

Planning permission was granted for this building in 2002 (F/TH/02/1014) as a detached building to provide student accommodation as an ancillary unit to Canterbury Christchurch University Campus (CCUC). At the time of the decision, the site was allocated under Policy BC4 of the 1998 Local Plan and designated for employment and business related development comprising Use Classes B1 (business): B8 (storage and distribution) and A2 (financial and professional services). It was considered as a departure to this policy by Council, on the basis that the proposed use as student accommodation was not necessarily fundamentally irreversible. The report to Planning Committee in November 2002 stated "The design of the building, reflects that of the existing units within Thanet Reach, and would

enable the use of the proposed building to change to one falling within the Use Classes identified within the policy without significant alteration." The planning permission granted included specific conditions in relation to the departure, that the premises should only be used for student accommodation, or for uses falling within Classes B1 (Business), B8 (Storage and Distribution) or A2 (Financial and Professional Services) of Part B to the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any Statutory Instrument revoking and re-enacting that Order, and that the student accommodation should only be occupied by students of the university (and similar for the warden flat being occupied by an employee of the University only).

The site also forms part of the wider former Christchurch University site which is allocated as an employment site within the Local Plan.

In September 2018 CCUC closed. Information submitted with the application states that that marketing occurred after October 2018, with the application included with other buildings on the campus estate, with Savills and Terence Painter Estate Agents instructed prior to the sale of the building in May 2022. It is stated that only 5 viewings occurred in this 4 year period and no information has been provided about how the property was marketed during this period. Following purchase by Nelson College in May 2022, the building was re-marketed after being identified as surplus to requirements, with 9 viewings, all of which were not for potential E(g), B2 or B8 uses. 8 of the viewings since May 2022 were for some form of residential accommodation, none of which were for open market dwellings. No offers were made on the basis of the land being reused or redeveloped for an employment use in line with the employment allocation policy (an equivalent B1 or B8 use), however there is no evidence that the property was marketed on the basis of the allocation either as a building or as employment land.

The applicant has submitted evidence that marketing has occurred for a period in excess of 12 months, however from the lack of information provided about how this marketing occurred and on what basis, it has not been demonstrated that it is not suitable or viable for an employment purpose on the basis of criteria one. Notwithstanding this, it is clear that the presence of the building on the site, its form and layout and established previous use as student accommodation linked to adjacent uses for over 15 years creates a different situation to the majority of employment allocations in the district.

Criteria two and three of Policy E01 permit alternative uses where the proposal would not undermine economic growth and employment opportunities in the area, and will not result in a significant or harmful reduction in the supply of land available for employment purposes. Within the planning statement submitted with the application the applicant makes reference to the Council's Employment Land Review and the over supply of employment land within the district, and the previous permitted use under the 2002 permission.

As outlined in the report to members on the site to the south of this application (F/TH/22/0953) in December 2022, as part of the Employment Land Update and Economic Needs Assessment July 2018 the southern part of Thanet Reach was de-allocated as it was concluded that the site did not contribute positively to the employment land review. That site has since been allocated for residential use. The application site now forms part of a much smaller employment allocation to the southern side of Millenium Way, includes a garage



workshop, and then the building approved for demolition under (F/TH/22/0953). In that case, the Council's Strategic Planning team objected to the loss of the employment land (0.37ha) on the basis that incremental losses across the district of allocated sites add up to harm given the loss of sites to higher value uses over time, leading to a lack of sustainable urban sites.

For this application, strategic planning commented that all the criteria of the policy were met, however given the history of the site/previous permission this should be treated as a departure to Policy E01. This has been clarified by Strategic Planning that whatever the justification for this particular proposal, the application nevertheless represents the loss of employment land on a site allocated for retention through the Local Plan period. While this loss may be seen as minor, it could contribute to a cumulative significant loss (particularly in conjunction with other sites in this location) which would result in a "harmful reduction in the supply of land available for employment purposes".

Noting the above, any proposal that resulted in the loss of employment land would not normally be looked upon favourably, however in this instance there are proposal specific characteristics that require consideration to be given to the merits of the proposed alternative use of the site.

A detailed Planning, Design and Access Statement has been submitted to explain and support the proposal to convert the existing building into workers accommodation for Thanet Earth. It states that the accommodation would house up to 84 workers with 2 wardens - a day and night shift manager. No external or internal changes are proposed to the building and it is proposed that workers would be transported to and from the Thanet Earth site by coach. The main benefits stated by the applicant for the proposed use is to provide security for an established employer in the district of worker accommodation, with a lack of accommodation in association with the business cited as currently impacting upon the productivity and efficiency of the business.

The Thanet Earth site is cited to be the UK's largest single production site growing salad crops under glass, currently employing around 700 staff at peak time in a mixture of skilled and unskilled roles employed over the whole site, including the packhouse and glasshouses. The facility operates all year round, not just seasonally, supplying British supermarkets.

Weight is given the particular need for accommodation to support this existing employer in the district, contributing to national food security and the local economy. In addition the proposed development would bring a vacant building back into an active use and whilst worker accommodation is not an employment use in its own right, it is considered that it would support an established and successful business in Thanet by allowing them to attract and retain a number of employees that would potentially otherwise not be able to find alternative accommodation within the district.

The fourth criteria requires that the proposal would not prejudice the ongoing operation of remaining businesses nearby. This is reinforced by paragraph 187 of the National Planning Policy Framework (NPPF), which states that planning decisions should ensure that new development can be integrated effectively with existing businesses. The proposed use would be located adjacent to a working garage, which existed adjacent to the building when it was

in operation as student accommodation. Therefore this relationship has previously been considered acceptable in previous decision making, and it is not considered that the type of accommodation (Thanet Earth workers using the building rather than students) would create a different relationship between residential occupants and the business to prejudice the operation of the garage. The proposal would therefore not conflict with this criteria, nor paragraph 187 of the National Planning Policy Framework.

The final criteria is that the proposal would result in a good standard of amenity for existing and future occupants. A full analysis of the impact is provided within the living conditions section of this report, but the layout as proposed would reuse the existing arrangement of rooms based around 17 collections of rooms sharing a communal kitchen/living area with all bedrooms served by an ensuite with shower. The standard of amenity for existing and future residents will be considered below.

Whilst the proposal will result in the loss of a site allocated within the local plan for employment use falling within the equivalent of a B1 or B8 use class, the policy permits alternative uses if a number of criteria are proven to be met. The analysis above proves that the majority of the criteria can be met, with the concern being the impact on Council's employment land supply and the extent of specific marketing. However, given the specific re-use of the current building proposed for workers accommodation, with an intrinsic link to support economic growth at the Thanet Earth site, there will be economic benefits accrued from the proposal to support this existing employer.

On balance, given the points raised above, the proposed change to worker accommodation for Thanet Earth is considered to represent an acceptable departure to Policy E01 of the Thanet Local Plan, whilst also addressing the criteria stated within Policy BSP11 of the Broadstairs Neighbourhood Plan.

### **Proposed use of the building**

It is considered that the accommodation of workers with warden support on the site is similar in nature and character to the original permitted use for this building. Although it is recognised that students accommodated within the building would have attended the adjoining educational facility, the proposed occupants will be workers for a particular local Thanet employer housed together on site who will travel to work together via coach. They will be accommodated on site for the length of their contracts and like students would not be expected to have the building and site as their full time residence. As such, there would be no change of use of the building to a c3 full residential use as flats.

Due to the layout of the building, with 19 sets of 5 bedrooms with access to a shared kitchen/living room, the use of the building is similar to a collection of houses in multiple occupation (HMO). However, the applicant states that the proposed use is sui generis and separate from HMO use, given the specific connection to Thanet Earth. It is acknowledged that this creates a difference in impact to an HMO facility of 19 units, with workers transported to and from the Thanet Earth site in Birchington by a 53 seat coach (two pickups and two drop offs a day in the seasonal peak). Therefore due to the specific nature of the proposal, it is not considered that the HMO policy H019 is directly applicable in this instance, however the operation of the site will still have to conform to requirements of the Housing Act

2004, meaning an HMO licence may still be required for the premise under the separate legislation.

### **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme. These principles are also outlined by Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan.

The applicants are not proposing to make alterations to the exterior or interior of the building and, as such, it is considered that the appearance of the building and its curtilage will retain its current appearance. It is noted that the applicants are proposing to provide additional secure cycle parking on the site (a total of 29 spaces), but cycle parking is not considered to be an uncommon feature on sites such as these. It is, however, considered appropriate that details of the proposed cycle provision is secured via a planning condition.

Given the above, it is not considered that, subject to safeguarding conditions, that there would be any adverse impact on the character or appearance of the site from the proposed development.

### **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 127 states that decisions should ensure development creates, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes

drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass. Policy QD04, requires all new residential development to meet the Nationally Described Space Standards and also a water efficiency standard.

As stated above, Northwood Court was built as flatted student accommodation with groups of ensuite bedrooms (normally 5 or 6) with shared open plan kitchen/living accommodation arranged as flats with ancillary warden accommodation. It is noted that the applicants are not proposing to alter this layout.

Given that the accommodation was built in 2002, it appears somewhat dated internally and pre-dated the requirement to meet the Nationally Described Space Standards. From a site visit, it was noted that the rooms on the whole, were of an adequate size for a single person with the communal kitchen and living areas being a good size. All rooms have natural light and ventilation, with ensuite facilities. Given that the accommodation is not self contained meaning that the NDSS is not directly applicable, and following a site visit, it is considered that they would provide a decent standard of accommodation for future workers. The warden unit, as a one bedroom self contained unit, would meet the required size standard under Policy QD04.

As stated above, it is accepted that occupiers of the site may experience some noise from other uses in the surrounding area, but it is recognised that the site is not within a wholly residential area and it is not considered that the noise/disturbance experience would be excessive.

There are laundry facilities within the building and a small area for clothes drying within the small on site amenity space within the site. Bin storage is provided to serve the number of people that would be housed within the building and it to be collected by a private waste contractor.

Given the above, it is considered that the standard of accommodation that would be provided for future occupiers would be acceptable on the basis that it would be for short periods of time rather than permanent residential accommodation for those occupiers.

It falls also to assess the impact of the proposed development on the residential amenities of surrounding occupiers. Whilst it is noted that the building has been vacant for a number of years, its lawful use is for student accommodation which would have some levels of noise and active use associated with it. The nearest residential dwellings are across the road. It is considered that the occupation of the building by the same number of residents (workers instead of students) would not be likely to generate significant levels of noise and disturbance above that associated with the use of the site as student accommodation. The comings and goings from the site would also be reduced by virtue of the scheduled coach trips to the Thanet Earth site, which would occur from the opposite side of the building to the nearest residential properties.

Therefore the proposal is considered to accord with Policy QD03 of the Thanet Local Plan.

### **Highways**

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 112). These aims are reflected in the Council's Local Plan policies.

The site has 15 parking spaces in the north western extent of the site, 4 disabled parking spaces and bike storage for 12 cycles within the internal courtyard of the building. The applicants advise that the workers housed on the site would be transferred to the Thanet Earth site to work via coaches and it is likely that 2 coach movements would be required each way if all of the 84 rooms are utilised. This would operate to pick up workers from Millenium Way, then turn using the existing internal road network in Millenium Way to exit onto Northwood Road in a forward gear.

The application is accompanied by a transport statement and a travel plan, which highlights the sustainable location of the application site and its proximity to services, facilities and public transport links and that a cycle share scheme would be promoted to workers accommodated on the site.

KCC Highways have reviewed the application and sought confirmation of the proposed route for the coaches to be confirmed to ensure that the route could accommodate coaches and also raised concern that the amount of cycle parking proposed (20 spaces) was an underprovision and 29 spaces should be secured.

The applicants advised that they could provide a route from the application site and Thanet Earth along roads that could safely accommodate coaches and that 29 cycle spaces could be accommodated on site.

KCC Highways raise no objection on the basis of this additional information and request that the proposed coach route and the provision and permanent retention of 29 secure and covered cycle parking spaces within the site are secured via planning conditions. No concerns are raised to the use of the highway in the immediate vicinity of the site by the coaches.

It is considered that the site is generally sustainably located and is within walking distance of a number of services and facilities as well as public transport links. Given the specific use of the building proposed, it is considered that subject to conditions requiring the full implementation of the travel plan including provision of employment transport and cycle

scheme, that the lack of car parking for the number of occupants in the building would be acceptable. The 29 cycle spaces required could be accommodated within the site and the submission of a routing strategy for the coach route between the application site and Thanet Earth is considered appropriate to ensure that the route avoids roads which are too narrow to accommodate coaches or have other similar issues.

Therefore it is considered that with safeguarding conditions, the proposed development would not have an adverse impact on highway safety or parking in the local area.

### **Biodiversity**

The NPPF states at paragraph 175 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 180 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets.

KCC Biodiversity have reviewed the application and advise that they accept that given that the proposal is for a change of use of the existing building from student accommodation and warden accommodation to accommodation for Thanet Earth workers with warden accommodation with no internal or external changes to the building that no ecological information is required. They do, however, note that habitats are present on and around the site that provide opportunities for breeding birds and that it is considered appropriate that the applicants attention are drawn to the fact that it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. They also request a condition is imposed on any grant of planning permission to secure biodiversity enhancements within the application site.

As stated above, no works are proposed to the exterior or interior of the building to facilitate the use and, it is therefore, agreed that no ecological information is necessary to support the application. It is noted that, whilst the majority of the site is occupied by the building and associated structures and hard surfacing, there are some areas of amenity space around the building which are landscaped including some trees. As such, it is considered appropriate to add the breeding bird informative to any grant of permission and seek ecological improvements to the site, albeit on the basis that these are likely to be limited in scale and nature given the constraints of the site.

Given the above, it is not considered that the proposed development would have any adverse impact on ecology and would therefore be in accordance with national and local policy.

### **Other Matters**

Thanet District Council has produced the Strategic Access Management and Monitoring Plan (SAMM) which focuses on the impacts of recreational activities on the Thanet Section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreational activities) and to comply with the Habitat Regulations a financial contribution is required to contribute to the district wide mitigation strategy. It falls to consider whether this proposal would necessitate a need for a SPA contribution.

It is noted that this application would see the site occupied in the same manner as the proposed use of the original student accommodation building with seasonal employees housed in the original student rooms and a shift manager occupying the warden flats. As with the students who would have attended lectures and other study sessions, it is noted that workers would be taken to Thanet Earth to work. Whilst it is acknowledged that they will have free time and holidays, it is considered that there is unlikely to be additional recreational pressure from the proposed use of the site as seasonal worker accommodation than that which would have been likely from its use for the student accommodation. As such, it is considered that there is no requirement for an SPA contribution in this instance and the development would not result in a significant effect on the designated sites.

### **Conclusion**

Permission is sought for the change of use from former student accommodation serving the former Canterbury Christchurch Broadstairs campus, to workers accommodation in association with Thanet Earth. Accommodating up to 84 workers with 2 wardens - a day and night shift manager.

Whilst the proposal will result in the loss of a site allocated within the local plan for employment use falling within the equivalent of a B1 or B8 use class, the policy permits alternative uses if a number of criteria are proven to be met. The analysis above proves that the majority of the criteria can be met, with the concern being the impact on Council's employment land supply and the extent of specific marketing. However, given the specific re-use of the current building proposed for workers accommodation, with an intrinsic link to support economic growth at the Thanet Earth site, there will be economic benefits accrued from the proposal to support this existing employer.

It is considered that the site is generally sustainably located and is within walking distance of a number of services and facilities as well as public transport links. Given the specific use of the building proposed, it is considered that with the full implementation of the travel plan including provision of employment transport and cycle scheme, that there would be no adverse impact from the proposal on highway safety or parking in the area.

On balance, given the points raised above, the proposed change to worker accommodation for Thanet Earth is considered to represent an acceptable departure to Policy E01 of the Thanet Local Plan, whilst also addressing the criteria stated within Policy BSP11 of the Broadstairs Neighbourhood Plan. It is not considered to result in an adverse impact on living

conditions, highways, or ecology subject to the imposition of safeguarding conditions and, as such, it is recommended that Members approve the application.

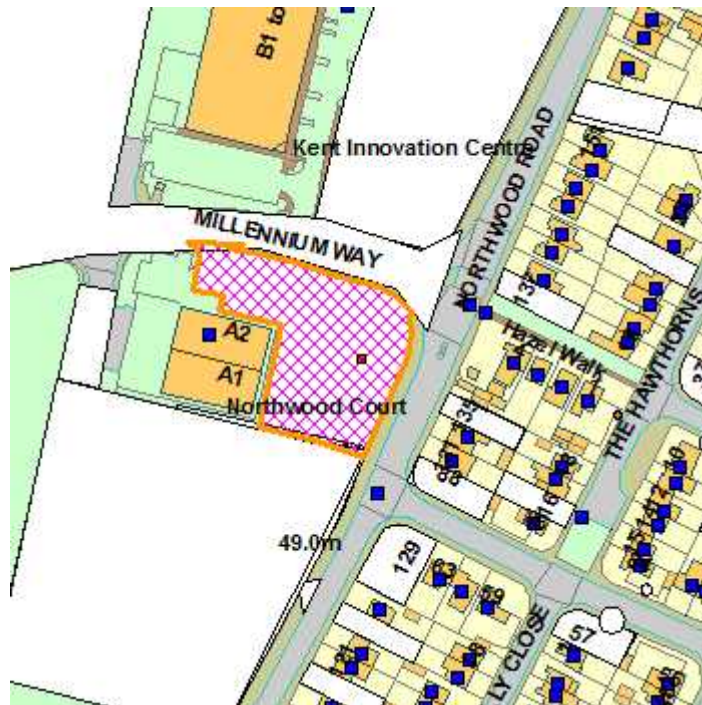
**Case Officer**

Annabel Hemmings



TITLE: F/TH/23/0677

Project Northwood Court Millennium Way Broadstairs Kent CT10 2LA



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**A02**

**FH/TH/23/0610**

**PROPOSAL:** Raising of rear garden level by up to 1m to form raised turfed terrace (Retrospective application)

**LOCATION:** 52A Stone Road BROADSTAIRS Kent CT10 1DZ

**WARD:** Bradstowe

**AGENT:** Mr T Michael

**APPLICANT:** Mr And Mrs B And A Goddard

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 002A, 003A and details of fencing received and dated 12<sup>th</sup> September 2023.

**GROUND;**

To secure the proper development of the area.

2 Within 3 months of the date of this permission, the 1.8m high close boarded fencing shall be erected to both sides of the raised area, as shown on the amended proposed site plan and existing and proposed elevations received 22 September 2023, and thereafter maintained.

**GROUND**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

**INFORMATIVES**

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

**SITE, LOCATION AND DESCRIPTION**

Stone Road is a long residential street close to the centre of Broadstairs that is characterised by a large variety of different properties. 52A and 52 Stone Road are both similar in appearance, however this is unusual for the wider street scene. This application relates to

works in the rear garden of the property. The rear of the property is visible from a garage parking area at the western end of Wings Close.

### RELEVANT PLANNING HISTORY

FH/TH/20/0006 - Extension of roof to increase height of ridge, erection of 2no. dormers and 3no. rooflights to rear, insertion of 1no. rooflight to front, insertion of window to second floor side elevation together with erection of 2-storey rear extension and provision of rear patio and steps and alterations to fenestration. Granted 25 February 2020

FH/TH/19/0014 - Extension of roof to increase height of ridge, insertion of 3No. dormers to rear, window to second floor side elevation and roof lights to front together with the erection of a two storey rear extension, provision of rear patio and steps and alterations to fenestration. Granted 08 July 2019

### PROPOSED DEVELOPMENT

This is a retrospective application for the raising of rear garden level by up to 1m to form raised turfed terrace. The raised area is located in the rear garden surrounded by white rendered walls. A path remains between the raised area and the boundary fence at a lower level on all sides.

Following concerns raised by Officers an amended plan has been submitted adding 1.8m high close boarded fencing to both sides of the raised area and altering the outline of the existing boundary fencing to reflect that which is on site.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP35 - Quality Development  
SP37 - Climate Change  
CC02 - Surface Water Management  
Gi04 - Amenity Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
TP03 - Cycling  
TP06 - Car Parking

#### **Broadstairs and St Peters Neighbourhood Plan**

BSP3: Protecting and Providing Important Trees  
BSP9 - Design in Broadstairs & St. Peter's

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

Two letters of objection have been received raising the following concerns:

- Insufficient consultation
- Works have been completed without planning permission
- Insufficient information
- Inaccurate plans
- Development does not comply with permitted development
- Development does not comply with building regulations
- Loss of outlook
- Impact upon property values
- Contrary to Thanet Local Plan
- Loss of privacy
- Height of the boundary fence
- Loss of light
- Sense of enclosure
- Breach of covenant
- Health and safety

**Broadstairs and St Peter's Town Council** - The Committee recommends REFUSAL on the grounds of increased height of the garden, loss of privacy and light to neighbours. (Unanimous)

**The Broadstairs Society** - Even though it is a retrospective application the Society can find no reason for it to be granted retrospectively. Having looked at the photographs supplied by a neighbour, privacy is clearly breached.

### CONSULTATIONS

None received.

### COMMENTS

This application has been brought before members by Cllr Bayford to consider whether the increased height of the garden and fence would result in loss of privacy and loss of light.

### **Principle**

The site comprises an existing dwelling located within the urban confines of Broadstairs. The principle of extensions and alterations, including to the garden and boundary treatment, within the curtilage of an existing dwelling is considered acceptable subject to all other material considerations.

### **Character and Appearance**

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.

The alterations to the land levels and boundary treatment are located in the rear garden of the property. Due to this location, they have limited visibility from Stone Road. Some views can be obtained from the garage parking area at the western end of Wings Close, however given the context of these views and the change in land levels this development is not considered to be highly prominent. Therefore the development does not have a significant impact upon the character and appearance of the area, thereby preserving visual amenity in line with policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The raised area has increased the height of the garden to a similar level to the ground floor of the dwelling. It is set away from the boundary with number 54 Stone Road by 2.3m, the rear boundary by 1.6m and the boundary with 52 Stone Road by 1.2m. Between the raised area and the side and rear boundaries of the site a path remains around the edge of the garden that is accessed from slopes at either side of the raised area. The amended plan includes the erection of a 1.8m high close boarded fence to both sides of the raised area. Due to the location of the raised area and the fencing, set away from the side boundaries of the property, this development is not considered to result in any significant loss of light or sense of enclosure to the neighbouring dwellings.

Subject to the installation of the proposed 1.8m high close boarded fencing this development is not considered to result in any significant overlooking to the adjacent neighbours on Stone Road. Fencing would remove the current ability to stand on the raised area and directly view into the neighbours private garden area, which currently results in significant harm to the living conditions for existing occupiers. The proposed close boarded fencing would be conditioned to be installed within 3 months of the date of permission being granted and thereafter maintained in situ.

The rear boundary of the site is shared with a parking area that is accessed from Wings Close and the rear boundary of 5 Wings Close. The parking area is not a private area and therefore this development is not considered to result in any significant overlooking to this area. There is soft landscaping both within the site and on the boundary in the rear garden of 5 Wings Close. There is also a separation distance of 15m from the rear edge of the raised area to the rear elevation of this neighbouring property. Given this arrangement this development is not considered to result in a significant increase in overlooking to the rear neighbour to warrant refusal of the application.

Any alterations to the fencing on the northern side boundary have not been submitted for consideration as part of this application.

Subject to the condition requiring the installation and retention of the close boarded fencing to either side of the raised area this development is not considered to result in any significant loss of light, sense of enclosure or overlooking to the neighbouring properties, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

The development is located away from the boundary with the highway, makes no alteration to the existing off street parking and does not increase the amount of habitable accommodation on the site. It is therefore considered that this development does not result in any significant harm to highway safety.

### **Biodiversity**

The development is located within the curtilage of an existing residential dwelling. Given this location and the nature of the works this development is not considered to result in any significant harm to biodiversity in the area.

### **Other Matters**

The impact of a development upon property values is not a material planning consideration.

Concern has been raised regarding the safety of the raised area and the potential for people to fall from the sides. The site comprises private land that is not readily accessible to members of the public. This development would therefore present limited risk to members of the public and use of this area by the applicant and people invited onto the property would be at their own risk.

Concern has been raised that insufficient consultation has been completed. Letters were sent to all properties that immediately border the red line of the site and a site notice was posted close to the site. Both the letters and site notice provided members of the public with 21 days to comment on the application, in accordance with the Council's Statement of Community Involvement. It is therefore considered that the Council has complied with its duty to consult on the application.

Concern has been raised regarding works being completed without planning permission. Whilst applications should be submitted prior to works commencing, retrospective applications are considered in the same way as proposed applications.

Concern has been raised regarding covenants on the site restricting this development and that the development does not comply with Building Regulations. Covenants and Building Regulations are covered by separate legislation that falls outside of the planning system and are therefore not a material planning consideration.

Concern has been raised that this development does not comply with permitted development. The Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) set out works that can be completed without the need to apply for planning permission. Works that exceed what can be completed under permitted development require an application for planning permission and are considered on their own merits.

Concern has been raised that insufficient information has been provided with the application and the plans that have been submitted are inaccurate. Following submission of the amended plans it is considered that sufficient information has been submitted for the Council to determine the application.

### **Conclusion**

It is considered that whilst this development has altered the levels of the site, subject to the conditions requiring the installation and maintenance of the proposed fencing, the raised area would not result in any significant harm to the character and appearance of the area, the living conditions of the neighbouring property occupiers, highway safety or biodiversity. It is therefore recommended that this application is approved.

### **Case Officer**

Duncan Fitt



TITLE:

FH/TH/23/0610

Project

52A Stone Road BROADSTAIRS Kent CT10 1DZ



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**A03**

**F/TH/23/0883**

**PROPOSAL:** Variation of condition 3 of approved planning permission for F/TH/22/1454 'Temporary change of use of agricultural land to store timber' to extend the time of the permission to store timber on the site for a further 12 months (until 30th June 2024)

**LOCATION:** Land East Of Parking Bay Canterbury Road West Minster RAMSGATE Kent

**WARD:** Thanet Villages

**AGENT:** Mr Richard Limmer

**APPLICANT:** Mr Ben Manterfield

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 1448/001 and 1448/002 Revision A.

## **GROUND**

To secure the proper development of the area.

2 At the expiration of a period ending on 30th June 2024 the storage of timber stacks shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

## **GROUND**

In view of the temporary nature of the proposal and to prevent the uncontrolled and unacceptable storage of timber within the site that could adversely impact upon visual amenity and landscape character contrary to policy SP26 of the Local Plan.

3 The height of timber stored on the site shall not exceed 6m above ground level.

## **GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02, SP24 and SP26 of the Thanet Local Plan.

## **SITE, LOCATION AND DESCRIPTION**

The application site is located to the northern side of the Thanet Way (A299) and layby at Minster and forms part of the southern strip of agricultural land. The site is to the west of Smugglers Leap Park and the Holiday Inn (Prospect Inn Grade II listed).

To the dual carriageway boundary there is some vegetation that separates the site and the layby/road.

The entrance and exit for vehicles to the site is via the layby that has two gated accesses at either end.

### RELEVANT PLANNING HISTORY

F/TH/22/1454 - Temporary change of use of agricultural land to store timber (Retrospective Application) Granted 28/02/2023

### PROPOSED DEVELOPMENT

Planning permission was granted for the temporary change of use of agricultural land to store timber on the 22nd February 2023 (F/TH/22/1454 refers). Condition 3 of planning application (F/TH/22/1454) relates to the temporary consent given. This required the storage of timber to cease on the land on the 30th June 2023 unless a further consent was approved.

This application seeks to vary condition 3 of the permission to allow a further temporary consent to be granted until 30th June 2024. The timber is stored for Kent Renewable Energy Limited (KRE) power station at Sandwich. This site is stated to hold a current capacity of 7,500 tonnes which equates to 10 days fuel for the power station.

The justification for this further temporary period is stated as being due to the continued need for ad-hoc storage facilities to ensure that the power station keeps running and continued supply issues from global conflict. The application proposes further alterations to the planning permission for the additional period:

- Limit the height of the timber stacks to 6m.
- Limit the overall storage capacity of the site to 6,000 tonnes.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

SP24 - Development in the Countryside  
SP26 - Landscape Character Areas - Manston Chalk Plateau  
SP30 - Biodiversity and Geodiversity Assets  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP43 - Safe and Sustainable Travel  
SE04 - Groundwater Protection  
HE03 - Heritage Assets

E15 - Farm Diversification

E16 - Best and Most Versatile Agricultural Land

QD02 - General Design Principles

QD03 - Living Conditions

### NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site. No representations were received.

**Minster Parish Council:** No objection.

### CONSULTATIONS

**Environment Agency:** This application relates to conditions that were not requested by us, we therefore have no comments to make with regards to the variation of conditions.

**KCC Highways:** I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

**KCC Ecological Advice Service:** We provided the following comments for application F/TH/22/1454 and at the time we were satisfied that no ecological information was required. We understand that the site has continued to be used to store wood since we previously commented and therefore we advise that we have no comments to make on the proposed extension of time.

### COMMENTS

The application has been called to the planning committee at the request of Councillor Smith for members to consider the impact on the neighbours and concerns about safety measures at the incinerator site.

#### **Principle**

The site was previously used for agricultural purposes prior to the earlier temporary consent; the storage of timber which is felled off site, falls within Use Class B8 of the Use Classes Order.

The National Planning Policy Framework is generally supportive of economic development within rural areas, especially where development is small scale. Policy E15 is supportive of Farm diversification provided that it would meet the following criteria

- 1) The proposal is compatible with the agricultural operations on the farm, and is operated as part of the farm holding.
- 2) The loss of the best and most versatile agricultural land is minimised.
- 3) The likely traffic generation could be safely accommodated on the local highway network.

In terms of best and most versatile agricultural land policy E16 is relevant this states planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land unless it can be clearly demonstrated that:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land,
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
- 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

Policy SP24 (Development in the Countryside) of the Local Plan states that development on non-allocated sites in the countryside will be permitted for either: 1) the growth and expansion of an existing rural business; 2) the development and diversification of agricultural and other land based rural businesses; 3) rural tourism and leisure development; 4) the retention and/or development of accessible local services and community facilities; or 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings. Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework. All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The storage of timber is a B8 use. It is recognised that the use relates to a relatively long narrow strip of land and is for a further temporary period. Given the temporary nature of the permission, it was not considered previously that the loss of agricultural land was irreversible nor therefore contrary to E16. Timber storage was accepted previously as a temporary use that is compatible with a rural location and, therefore, it is in principle an acceptable use of land subject to other material considerations also being satisfied.

### **Character and Appearance**

Paragraph 174 of the NPPF stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The site is within the countryside and designated within the Manston Chalk Plateau as defined in Policy SP26 of the Local Plan 2020 - Landscape Character Areas. Key characteristics of the Manston Chalk Plateau Landscape Character Area is generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation. The preamble to the policy confirms that this character area contains the highest point on the island at Telegraph Hill. The elevated plateau results in long distance panoramic views to the south over Minster Marshes and across Pegwell Bay and, in the west, across the Wantsum. The elevated central chalk plateau also forms a skyline in many views back from lower landscapes in Thanet, including the coast and marshlands. It is considered that the policy and its supporting evidence is fully in accordance with the NPPF and should be afforded full weight in the determination of the application.

As set out above, the application site is part of a wider site in agricultural use - although containing some hard surfaced and, therefore, not all cultivated land. The site is adjacent to the Thanet Way and lay-by and has some soft landscaping to this boundary but not to the farmland to the other side.

Policy SP26 of the Thanet Local Plan states that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA), and that all development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.

The Council considers that the Landscape Character area is a valued landscape as described by paragraph 174 of NPPF and that the site contributes to and forms part of the Landscape Character area.

As stated above, this application seeks to extend the temporary period until June 2024, with a reduction in the height of the logs stored (7metres to 6metres) and also a reduction in the capacity of the site brought about largely by this reduction in height of the stacks.

The site is open to the field side but with some soft vegetation to the road side and hard surfaced in part. The layby area has less vegetation with the field, so the timber would be visually more apparent here and even with the reduction in height will still be visible, although not as prominent as before. The top of the timber stacks with the reduction in height will be less visible from the road above the existing vegetation due to boundary screening, it is considered that the timber stacks must be considered to still have some visual impact due to the stark contrast in appearance to the surrounding green fields and their height (albeit reduced).

There are stacks of timber sited along the access track at the time of a site inspection most of the timber stacks were behind hedging and therefore not so apparent from the road. The timber under this current application would be stacked no higher than 6m above ground level.

The visual impact of the timber storage proposal has not attracted objection on visual amenity grounds. The Parish Council have confirmed that they do not have an objection to the proposal. The proposed 6m timber stacks would be screened to some degree from public view by the existing vegetation that bounds the field, although it is appreciated that the stacks are seen above this and between some gaps in the field boundary. Consent was granted previously for a temporary period of time owing to concerns about the landscape harm the long term storage would have on landscape character.

In this case it is considered that the applicant needs to find a long term storage solution for the timber outside of the side. Officers consider that a further temporary consent could be granted but between now and before the end of June 2024 the applicant needs to find a more suitable and permanent storage solution for the timber. A further temporary permission would not be supported by officers' on this site, due to the long term impact on the landscape character area.

On balance, it is considered that the harm to the landscape character area would be temporary and limited and therefore is considered acceptable.

As such, it is appropriate to control the period of time for the stacking of timber on this site through a restrictive condition requiring the full removal by the end of June 2024.

For these reasons, the continued storage of timber for a temporary period is acceptable when considered against Policies SP24 and SP26 of the Local Plan, subject to it being stored only within the areas indicated on the proposed plans and at a height not exceeding 6m.

### **Living Conditions**

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

There are no immediately adjoining residential properties, however, there are a number of properties nearby with Smugglers Leap. The distance from the site to these residential properties is over 300 metres, therefore no impact is caused on living conditions in terms of creating a sense of enclosure from the storage.

As previously recognised the most likely impact on neighbours comes from the increase in activity on the site from the change of use, this harm is considered to be no different than previously acceptable owing to the distance of separation and also taking into account the existing noise and activity along the A299 and use of the layby.

On this basis, the impact on neighbour amenity is considered to be acceptable with regards to residential amenity in regard to existing residents, in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.



Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime.

Given the location and use of the A299, the proposal was previously assessed over potential highway safety concerns over the local highway infrastructure and access and egress onto the A299. The Highway Authority previously requested that the access gate be relocated 3m into the site to allow sufficient space for a 16.5m lorry to fully exit the A299/layby slip road and, therefore, safely stop to open the gate. This was carried out previously and highways have confirmed they have no objection to the continued temporary use of the site.

As such the access onto the public highway provides for a good level of visibility and access/egress to and from the site is not considered to represent a highway safety issue, even with an increase in vehicle movements.

The impact upon highway safety is therefore considered to be acceptable.

### **Heritage Assets**

In line with paragraph 194 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. S.66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses.' The setting of a heritage asset is defined in the glossary of the NPPF (2019) as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.'

The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Guidance published by Historic England in 2011 outlines the planning considerations relating to the conservation of listed buildings and their setting, with specific detail provided as to the potential impact of cumulative changes, stating: 'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset'

Local Plan HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF

The site is in close proximity to the Prospect Inn (now Holiday Inn) that is Grade II listed. This is on the opposite side of the carriageway and closer in proximity to the roundabout than the site. Previously it was considered that the proposal would not harm the setting of the listed building. Given that this proposal reduces the height of the timber I consider that there would be a lesser impact. As such, given that it is on the opposite side of the road, some distance from the listed building and the reduction in height of the timber stacks, they would not harm its setting. The proposal is therefore considered to be in accordance with policy SP36 and HE03.

### **Ecology and biodiversity**

The proposed amendments will not have an impact upon ecology and biodiversity as set out in planning consent F/TH/221454. As such there would be no adverse impact on ecology or biodiversity as a result of the granting of a further temporary consent.

### **Other matters**

Concerns have been raised in relation to the operation of the incinerator site, which the application site serves as storage of timber used on the site. Any concerns on a separate site regarding health and safety would be dealt with under separate legislation, whilst being subject to separate planning controls. It is not relevant or reasonable to consider this in assessing the current application before the Council.

### **Conclusion**

The storage of timber is considered to be a use that is compatible with the rural area, whilst some landscape character harm would occur this would be temporary and reversible. The storage element would not result in any adverse impact upon local residential amenity, with properties being some distance away. No adverse impact should occur to highway safety or to the setting of the designated heritage asset- Prospect Inn. It is therefore recommended that a further temporary planning permission be granted subject to conditions.

### **Case Officer**

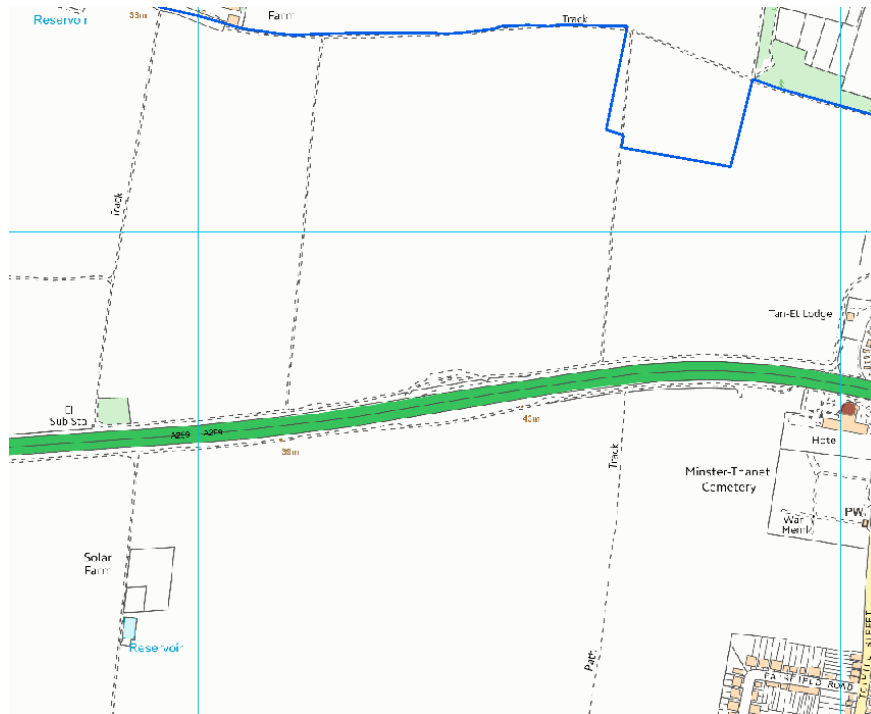
Gillian Daws

TITLE:

F/TH/23/0883

Project

Land East Of Parking Bay Canterbury Road West Minster RAMSGATE Kent



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**A04**

**F/TH/23/0534**

**PROPOSAL:** Change of use from cold storage depot (Use Class B8) to 3no. commercial units (Use Class B2) together with erection of a roof extension, alterations to fenestration, external works and associated parking following partial demolition of existing building

**LOCATION:** J C Rook And Sons Limited Cecilia Road Ramsgate Kent CT11 7DZ

**WARD:** Sir Moses Montefiore

**AGENT:** Mr Andrew Evans

**APPLICANT:** Mr I Arif

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23.1958.PL006, Rev A, 23.1958.PL007 Rev A and, 23.1958.PL008 Rev A received 18 April 2023 and, 23.1958.PL009 Rev B received 25 April 2023.

**GROUND;**

To secure the proper development of the area.

3 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND**

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

4 Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of shall be submitted to and approved in writing by the Local Planning Authority.

### **GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan

5 Prior to the first use of the development, the area shown on approved plan 23.1958.PL009 Rev B for the parking and maneuvering of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

### **GROUND**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

6 The rating level of noise emitted from the plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dBA,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

### **GROUND**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

7 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 7:00 hrs to 19:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays and Bank Holiday.

### **GROUND**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

## SITE, LOCATION AND DESCRIPTION

The site forms an area of land to the north of numbers 37 to 89 Cecilia Road, south of St Lawrence Cemetery and St Georges Road and West of Union Road. It is accessed from the junction of Union Road and Cecilia Road. This access is also used by a builders merchant that extends to the south and west of the site. The site is set significantly below the levels of the surrounding land to the north east and west and is currently occupied by a part single storey part two storey building, vehicular access and parking area.

## RELEVANT PLANNING HISTORY

F/TH/10/0889 - Erection of two-storey side extension. Granted 15 December 2010  
F/TH/08/0739 - Erection of a single storey side extension. Granted 04 September 2008  
F/TH/04/1605 - Erection of a single- and two-storey front extension to form new staff changing facilities, staff restroom, office and store. Granted 08 February 2005  
TH/88/0127 - Erection of extensions to both rear and front elevations of existing building to provide enlarged working area and improved staff facilities. Granted 05 April 1988

### PROPOSED DEVELOPMENT

The proposed development is the change of use from cold storage depot (Use Class B8) to 3no. commercial units (Use Class B2) together with erection of a roof extension, alterations to fenestration, external works and associated parking following partial demolition of existing building.

The two storey section of the existing building in the north eastern corner of the site would be demolished. The remaining building would be split into three units and access ramps erected to the southern elevation and the southeastern corner of the remaining building. The roof would be extended over the eastern section of the building and new doors and roller doors would be installed around the building. 16 parking spaces and a refuse store are proposed on the site.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP04 - Economic Growth  
SP13 - Housing Provision  
SP27 - Green Infrastructure  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
GI06 - Landscaping and Green Infrastructure  
HO1 - Housing Development  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
CC02 - Surface Water Management  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

One letter was received raising the following points:

Damage to neighbouring properties

Maintenance of the site

Safety of the site

Change in levels from the surrounding roads

Ramsgate Town Council - No comment

## CONSULTATIONS

**KCC Highways** - The site utilises an existing access which runs parallel to Union Road, and proposes an increase in 10 car parking spaces to provide 16 spaces.

There does not appear to be any cycle storage facilities illustrated, whereby I suggest 4 spaces are provided in line with SPG4 (1 space per 200sqm).

**Southern Water** - Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**TDC Environmental Health** - The applicant is seeking a change of use from B8 to 3 B2 'general industrial' use. An accompanying Noise Impact Assessment has been submitted based on current activities at the site. However, to safeguard the residential dwellings nearby from significant adverse levels of noise that can often be associated with general industrial use and without noise break out tests having been carried out to determine sound reduction properties of the units, it is not clear how effective they will be at preventing nuisance to neighbours. Therefore a number of safeguarding conditions are required. Should the applicant seek to vary the conditions, an accompanying noise break out assessment will be necessary.

Conditions: Noise limits

The rating level of noise emitted from the plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dBA,r, whichever is highest, at



the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Condition: Operating hours

No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 7:00 hrs to 19:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays and Bank Holiday.

Condition: External Plant

No fans, louvres, ducts or other similar apparatus shall be installed externally without the prior written approval of the Local Planning Authority.

**TDC Strategic Planning** - This site is allocated in the 2020 Adopted Thanet Local Plan for housing for an indicative capacity of 23 units. The site appears to be in 2 separate ownerships with Jewson's occupying a large proportion of the site and the smaller area previously occupied by J C Rook & Son.

Although the site was first allocated in the draft Local Plan in 2015, no subsequent applications have been submitted for housing on the site, and the site has not been submitted in the "call for sites" as part of the Local Plan review. This indicates that it is not the intention of the landowners to bring this site forward for housing, at least for the foreseeable future.

In the meantime, the continued use of the site for economic development purposes, as would be facilitated by the current proposals, would represent the acceptable use of vacant industrial buildings subject to some control regarding the B2 element via a condition to restrict the hours of operation and noise mitigation measures to minimise the impact and disturbance on the neighbouring residential properties.

### COMMENTS

This application is presented to members as a departure from policy H01 of the Thanet Local Plan as the site is allocated for housing.

### **Principle**

The site comprises an existing industrial unit located within the urban confines of Ramsgate.

The principle of physical alterations to an existing building is considered acceptable subject to all other material considerations.

The site and the adjacent builders yard are allocated for 23 dwellings under policy H01 of the Thanet Local Plan. This policy states that; "Permission for new housing development will be granted on this site." This policy goes on to say that; "All development proposals should also: 3) comply with the relevant requirements of SP14; 4) demonstrate that adequate infrastructure will be in place to serve each unit. Alternative development on non-strategic sites allocated for residential development will not be permitted."

Policy SP14 outlines a number of requirements for housing development, however as this proposal is not for housing development, this policy is not considered to be relevant in this instance. On the basis of the allocation under Policy HO1, the principle of development is contrary to the policy and the proposal would represent a departure from the Local Plan.

The applicant has submitted a statement outlining the rationale for the proposed use. This statement indicates that parts of the allocated site are in different ownerships and that this proposal would provide benefits through the reuse of a vacant building, and the creation of six additional jobs.

TDC Strategic Planning have stated that whilst the site was first allocated for housing in 2015 as part of the draft local plan, no applications have been submitted for the development of the site and the current owners have not submitted the site in the "call for sites" as part of the Local Plan review. This would indicate that they do not intend to bring the site forward for housing development in the foreseeable future.

It is acknowledged that there is uncertainty in the site coming forward for housing in totality, however approving this application would remove the potential for this section of the site to come forward as housing, and the B2 use is likely to prevent the rest of the allocated site being developed for housing due to the proximity to this site, and the potential for noise and disturbance. The Council cannot currently demonstrate a five year housing supply and the loss of an allocated housing site would require additional sites to be found elsewhere. It is therefore considered that full weight should be given to policy HO1.

Whilst full weight should be given to policy HO1, it does appear unlikely that the site would come forward for housing in the form that is suggested in the local plan, and therefore applications for alternative proposals should be judged on their own merits.

### **Character and Appearance**

The NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and appropriate landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and provide a high standard of amenity for existing and future users (Paragraph 130).

Policy QD02 of the Thanet Local Plan provides general principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. In this regard development must relate to the surrounding development, form and layout and strengthen links to the adjacent areas.

The existing building measures 5.3m high and the tallest point and the proposed extensions would result in the proposed building measuring 5.1m in height. The site is on a similar level to Cecilia Road with the land rising in height from south to north on either side of the site. This results in the land to the north of the site being set substantially higher than the site. Numbers 37 to 89 Cecilia Road comprise a terrace of dwellings and limit views of the site from Cecilia Road. To the west the dwellings on Probus Court and numbers 91 to 97 Cecilia

Road limit views of the site from this direction. The northern and eastern boundaries of the site are enclosed by high level concrete fencing. This fencing combined with the change in levels limits views into the site and the existing building does not extend above the height of the land to the rear. Due to the significant change in levels around the site, the existing boundary treatment and the position of the building within the site, the building and the site has limited visibility from the public realm. It is therefore considered that as the proposed extensions result in a reduction in height this development would have no significant impact upon the character and appearance of the area.

Whilst the surrounding area is primarily residential in character, given the existing commercial use on the site and the neighbouring site, the proposed change of use is not considered to result in any significant impact upon the character and appearance of the area.

In light of the above the proposed development is not considered to result in any significant harm to the character and appearance of the area, in line with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The current storage and distribution use of the site and the neighbouring builders yard would generate a number of movements to, from and around the site and a level of noise and disturbance due to the nature of these uses, and the external storage arrangements.

There are residential properties located to the south, east and west of the building on the site. The closest dwelling to the existing building is located to the east on St Georges Road with a separation distance of 16m. The dwellings along Cecilia Road are located at the same level as the site, the levels rise from south to north along Union Road and Probus Court and the closest properties on St Georges Road are situated above the site and the existing buildings on the site.

Due to the location of the site and the proposed change in height of the building outlined above, this development is not considered to result in any significant loss of light, sense of enclosure or overlooking to the neighbouring properties.

This proposal would split the existing unit on the site into three separate units and change the use from storage (Use class B8) to a light industrial use (Use class B2). The applicant has indicated that one of the units would be a vehicle repair garage. The specific use for the other two units is currently unknown. The change of use from storage to light industrial has the potential to result in an increase in noise and disturbance to the neighbouring residential properties.

The applicant has submitted a noise impact assessment that has surveyed the applicants existing premises and the existing levels at the site. This report concludes that the predicted rating level falls 3 dB below the measured background sound level at the assessment location. This report has been reviewed by the Council's Environmental Health department who have raised no objection to the development subject to conditions restricting the level of noise from plant and equipment on the site and limiting the proposed opening hours to 7:00

hrs to 19:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays and Bank Holidays.

A condition preventing fans, louvres, ducts or other similar apparatus being installed without permission has also been requested, however such external alterations and external equipment would require planning permission. It is therefore considered that this condition does not meet the tests for a condition.

Given the existing development on the site, proposed change in scale of the building and subject to the proposed conditions, this development is not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policies QD03 and SE06 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

No alterations are proposed to the existing access to the site and this proposal would not significantly alter the footprint of the building. A total of 16 parking spaces are proposed on the site for the three units that would be created. The available space on the site for the parking and turning of vehicles would be similar to that of the existing development, however this proposal would formalise the parking arrangements.

It is considered that adequate space is available on the site for cycle storage and details of the proposed storage would be secured by condition.

Given the existing use on the site and the proposed parking arrangement the proposed development is not considered to result in any significant harm to highway safety.

### **Biodiversity**

The site is covered by built development and this proposal reduces the existing footprint.. It is therefore considered that this development would have no significant impact upon biodiversity in the area.

### **Conclusion**

The proposed development is not considered to result in any significant harm to the character and appearance of the area, neighbouring living conditions, highway safety or biodiversity. This application does not propose housing on the site and would therefore be contrary to policy H01 of the Thanet Local Plan.

The site is allocated for 23 dwellings and this proposal would prevent the development of the site for housing due to the location of the site and the nature of the proposed use. The Council cannot currently demonstrate a five year housing supply and therefore the loss of allocated housing must be given significant weight in the determination of this application. It is however acknowledged that due to parts of the site being within different ownerships and the ongoing uses on the site that it is unlikely to come forward for housing in its current form.

This application would result in the re-use of a vacant building and provide economic benefits through the creation of six jobs on the site. The reuse of the building is considered to result in environmental benefits through the ongoing use and maintenance of the site and the creation of jobs is considered to result in economic benefits to the district.

Given the need for housing in the district significant weight should be given to the loss of an allocated housing site that would provide 23 dwellings, however given the circumstances regarding the ownership of the site, the apparent lack of interest in pursuing a housing development on the site, and the benefits of reusing an existing building and providing jobs on the site, this is considered to be a balanced case and could be considered as an acceptable departure from Local Plan Policy H01.

**Case Officer**

Duncan Fitt

TITLE: F/TH/23/0534

Project J C Rook And Sons Limited Cecilia Road Ramsgate Kent CT11 7DZ



**A05**

**L/TH/23/0340**

**PROPOSAL:** Application for Listed Building Consent for the installation of festoon lighting

**LOCATION:** 8 To 25 Military Road RAMSGATE Kent CT11 9JX

**WARD:** Central Harbour

**AGENT:** Miss Laura Fidler

**APPLICANT:** Mrs Rebekah Smith

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2 The size of the bulbs shall not exceed 7 centimetres in diameter and the brightness of the bulbs shall not exceed 50 watts.

**GROUND:**

To safeguard the special significance of the property as a listed building in accordance with Policy HE03 of the Thanet Local Plan and advice as contained within the NPPF, and in the interests of public safety.

3 Prior to the installation of the festoon lights hereby permitted, detailed drawings at a scale of 1:5 detailing the method of fixing to the building, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To safeguard the special significance of the property as a listed building in accordance with Policy HE03 of the Thanet Local Plan and advice as contained within the NPPF.

**INFORMATIVES**

For the avoidance of doubt, the Decision has been based upon the following plans: Block Plan and Additional plans received 6 March 2023 and Proposed Elevation received 12 April 2023.

## SITE, LOCATION AND DESCRIPTION

Nos.8-25 Military Road lies within the Ramsgate Conservation area. The site is situated along Military Road and under Royal Parade, which houses various commercial and industrial premises. The arches face Royal Ramsgate Harbour and can be seen in long views from Harbour Parade, the east and west harbour wing walls and from various points around the harbour.

The Grade II listed structure comprises 25 arches, 1 to 9 are single storey and 10 to 25 are two storey which support Royal Parade above with retaining walls along the face of West Cliff. It was built in 1893-1895 and was designed by the borough engineer, W A McIntosh Valon with Pulham and Sons. The terracing, brick arches and balustrades form part of an important group of listed buildings and structures within Military Road which include the former Smack Boys' Home, the Sailors' Church, former Sailors' Home and the staircase known as Jacob's Ladder (all Grade II Listed) which are spaced along the seafront at Ramsgate and which were built in the period between 1893 and 1936.

Ramsgate Harbour is the only Royal harbour in the UK, sited within the Ramsgate Conservation Area and is within the designated Heritage Action Zone.

## RELEVANT PLANNING HISTORY

None

## PROPOSED DEVELOPMENT

The proposed works are for the installation of festoon lighting to be installed along the inside of the arches 8 to 25 along Military Road.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP11 - Ramsgate Waterfront and Royal Harbour

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE03 - Heritage Asset

## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted along with an advert in the local newspaper. Three representations have been received, two objecting to the proposal:

- Have lights within the business so irrelevant
- Disagree with festoon lighting



- Prefer pavement to be lit with regards to Health & Safety as more appropriate
- Security lights already installed no need for further lights
- Tourism trend is for wellbeing and nature, lighting at the harbour detracts from the ambience of the harbour
- Light pollution
- Problem with pigeons and moths which will be made worse
- Light installations already recognised at Christmas
- Ugly feature when unlit
- Why should occupants of arches pay for the running of the lighting as costs are already incurred for the upkeep of the arches.

### **Ramsgate Design and Heritage Forum:**

Steps to enhance the street scene along Military Road and the Arches in particular are most welcome. Concern was however voiced over the proposal given that TDC are currently upgrading the "wash" downlights and uplights on the arches. TS spoke to the TDC installer and the new LED lights are on 2 circuits which do not span all the arches. The new TDC lights are cool lights according to installer. There also appears to be renovation works on the arch facades. The Forum suggests that the festoon lights idea waits until the TDC works are complete and assess what is appropriate re: Existing lighting circuits Conflict of warm /cool lights in wash and festoon lights. Viability of festoon lighting for facades already decorated by businesses. Possibility of a design code for the arches emerging as part of the harbour renovation.

**Ramsgate Town Council** - No comments

### CONSULTATIONS

**TDC Conservation Officer** - 8 To 25 Military Road Ramsgate are Grade II listed Arch Structures overlooking Ramsgate Royal Harbour within Ramsgate Conservation Area.

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 it states In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Within the NPPF Section 16, 197 questions 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability' and 'the desirability of new development making a positive contribution to a local character and distinctiveness'.

This application is for festoon lighting installed along the length of the archways present to the port. From a heritage perspective this would have a minimal physical implication on the arches themselves whilst having some public aesthetic benefit.

There will be some level of implication to the setting and appearance of the surrounding conservation area and the harbour but again, this is considered to be minor. Lights in the harbour are an encouraged sight yearly at christmas and this would likely be an extension of this at a smaller scale. As such I do not object to the application proposed. I would recommend that details of physical attachment are submitted via condition and holes should be drilled into mortar rather than brickwork.

**TDC Harbour Master – (Final Comment)** The issue of the flashing lights that will be used for the light show in the evening, could possibly cause an issue with navigational light systems, however, if this could be conditioned so that the lights are never brighter than the navigation lights unless discussed with the Harbour Master, then there will not be an issue with the use of flashing/moving lights.

### *Initial Comment*

We have 21 permanent berth holders located in the inner marina that have permission to stay there all year round. We are not taking on future requests due to safeguarding concerns. However, all boat owners can stay on their vessels up to 180 days a year, not more than 3 weeks at a time.

There is existing lighting in all arches that are from sunset until sunrise. These lights are there for safety and security of the tenants and pedestrians using Military Road. The lights located in the arches are 50 watt lights located at the top of the arches pointing down towards the entrances.

From a harbour point of view the lighting supplied should be sufficient for safe access of pedestrians along military road bearing in mind there are obstacles and a fenced waterfront along the road. This road is also transited by vehicles and emergency service vehicles accessing the lifeboat stations.

The lights could pose a navigational risk for vessels entering the marina. We have a traffic light system based on port control and the security office. These regulate the movements of vessels in and out of the marina. Flashing coloured lights could make these difficult to distinguish along the back scatter of night lights.

The other concern would be who would pay for the ongoing electricity and maintenance of the lights. Would this be RTC, the arches or the harbour? Who controls the lights and has access to the patterns. If there are any controversial light patterns can this be vetoed by arch owners/ harbour/ RTC etc.

**TDC Port and Harbour Engineer -** As we do not have street lighting along the arches of Military Road, we install the LED lights to illuminate the frontage. The LED lighting is 50W colour switchable as a replacement for traditional halogen fittings that failed.

### COMMENTS

The application is brought before members as the application relates to buildings owned by Thanet District Council.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 requires that 'in the exercise, with respect to any buildings or other land in a conservation area of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development, encouraging new uses to bring listed buildings back into use and encouraging their survival and maintenance without comprising the conservation or significance of the asset and supporting development that is of a high quality design and supports sustainable development.

Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF.

The application proposes the installation of festoon lighting with 7cm bulbs to the Grade II Listed arches 8 to 25 along Military Road. The National Planning Policy Framework states that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The arches are situated along Military Road and differ in width and height. The arches towards the town centre are single height rising to double height with a space above and below from Arch 15, however the span remains largely uniform from Arch 8. The festoon lighting would be attached to individual arches around the span of each arch within the arch recess with the cables fixed across each column between the arches. The details of means of fixing will be conditioned.

The festoon lighting would be seen from the public realm at various points around the harbour, including Military Road, Harbour Parade, the east and west harbour wings and various mooring points across the harbour.

The design and access statement states that the lights will have a static display in warm white to provide extra light and each evening will be programmed to display a colourful 'snakelike' dance for approximately 10 minutes.

The Harbour Master originally raised a concern that the coloured lights may pose a navigational risk for vessels entering and leaving the harbour as a traffic light system is used to regulate movements in and out and the flashing lights may make the traffic lights difficult to distinguish them. Upon further discussion with the Harbour Master it was clarified that the main issue would be the brightness of the lights, which should not be brighter than the navigational lights. The applicant has confirmed that the proposed lights would be 50 watts, and it is understood that this is the brightness level of existing lights within the harbour. Subject to a condition restricting the brightness to no more than 50 watts, the impact upon the harbour, in relation to the setting of the designated heritage asset, from the lighting is considered to be acceptable.

The Conservation Officer has stated that there is no objection to the lights being installed along the listed arches, however, the lights should be fixed in the mortar rather than the brickwork, with details of the intended methodology for fixing to be submitted via condition.

The proposed festoon lighting to be installed to 8-25 Arches Military Road would serve to promote and enhance the significance of this designated heritage asset. It is considered that the proposed development would not have a significant impact upon the designated heritage asset, as the proposed works are reversible and could be removed if required. The proposal is therefore considered to accord with Thanet Local Plan Policies SP36 and HE03 and the advice and guidance of the National Planning Policy Framework. It is therefore recommended that members approve the application, subject to safeguarding conditions.

**Case Officer**

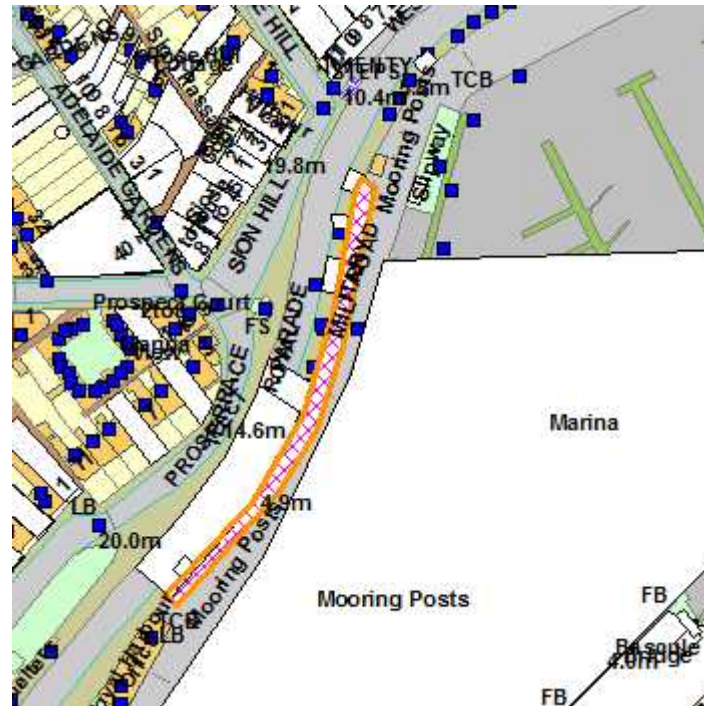
Dawn Rollason

TITLE:

L/TH/23/0340

Project

8 To 25 Military Road RAMSGATE Kent CT11 9JX



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